

EXHIBIT 14

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF NEW YORK

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FRANKLIN BUONO,

Plaintiff,

7:17Civ.06915
(NSR.LMS)

- against -

POSEIDON AIR SYSTEMS, VICTORY AUTO
STORE, INC., VICTORY AUTO STORES, INC.
d/b/a POSEIDON AIR SYSTEMS, WORTHINGTON
INDUSTRIES, INC., and TYCO FIRE
PRODUCTS LP,

Defendants.

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TYCO FIRE PRODUCTS LP,

Third-Party Plaintiff

- against -

OPRANDY'S FIRE SAFETY INC,

Third-Party Defendant.

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Tuesday

July 23, 2019

10:07 a.m.

EXAMINATION BEFORE TRIAL of the
Plaintiff, FRANKLIN BUONO, taken pursuant
to Court Order, held at the offices of
Finkelstein & Partners, LLP, 1279 Route
300, Newburgh, New York, on the 23rd day of
July, 2019, before a Notary Public of the
State of New York.

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IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties hereto that the sealing and filing of the
within deposition be waived; that such deposition
may be signed and sworn to before any officer
authorized to administer an oath with the same
force and effect as if signed and sworn to before a
Justice of this Court.

IT IS FURTHER STIPULATED AND AGREED that all
objections, except as to the form, are reserved to
the time of trial;

IT IS FURTHER STIPULATED AND AGREED that the within
examination and any corrections thereto may be
signed before any Notary Public with the same
force and effect as if signed and sworn to before
this Court.

1 Franklin Buono

2 F R A N K L I N B U O N O , the
3 Plaintiff herein, having been first duly
4 sworn by Debra Boggs, a Notary Public of the
5 State of New York, was examined and
6 testified as follows:

7 THE COURT REPORTER: Please state your
8 name for the record.

9 THE WITNESS: Franklin Buono.

10 THE COURT REPORTER: What is your
11 present residence address?

12 THE WITNESS: 131 Hill Road, Goshen,
13 New York 10924.

14 EXAMINATION BY

15 MS. FAPPIANO:

16 Q. Good morning, Mr. Buono. Thank you for
17 being here this morning. My name is Tara Fappiano.
18 I represent Oprandy's Fire Safety Equipment in this
19 action. I'm going to be asking you some questions
20 this morning about the incident, your medical care
21 and things like that.

22 As I mentioned earlier, we know you
23 were deposed a little over a year ago. And I'm
24 going to make my best efforts to not go over things
25 that you have testified to in the past. That being

1 Franklin Buono

2 said, there will be some questions that I will need
3 to ask about certain things, and I will just ask
4 for your patients with that.

5 If at any point in time you don't
6 understand any of my questions, certainly just let
7 me know that. And I will rephrase it in such a way
8 that you do understand. If there is, at any point,
9 in time that you require a break for any reason,
10 you need to stretch, you need to walk, you need to
11 drink, you need a restroom break, any of those
12 things, certainly feel free to ask for it. The
13 only thing I will ask is if there is a question
14 pending when you request the break, that you answer
15 it and we can take as much time as you need.

16 A. Okay.

17 Q. Is everything clear?

18 A. Clear.

19 Q. Thank you.

20 The address that you just gave at 131
21 Hill Road, is that the same address you were at
22 in 2018 --

23 A. Yes.

24 Q. -- when you were first deposed?

25 Who are the members of your household

1 Franklin Buono

2 there?

3 A. Emily and her mom.

4 Q. Emily Fonseca?

5 A. Yes.

6 (Reporter clarification.)

7 Q. And is she still your girlfriend --

8 A. Yup.

9 Q. -- fiance?

10 A. Girlfriend.

11 Q. And is her mother still living with
12 you?

13 A. Yup.

14 Q. What is her name?

15 A. Elisha Tolen.

16 (Reporter clarification.)

17 Q. Besides Emily and her mother, is anyone
18 else living with you at this time?

19 A. No.

20 Q. The apartment that -- are you living in
21 an apartment or a house --

22 A. It's a house.

23 Q. Private house.

24 I'm just going to ask you, I know you
25 are probably anticipating some of my questions, and

1 Franklin Buono

2 that's great. We just need to slow down a little
3 bit so that the court reporter can take us both
4 down. It's hard for her if we talk over each
5 other.

6 A. Okay.

7 Q. Okay.

8 The house that you live in is how many
9 stories?

10 A. Two.

11 Q. And are there steps to enter the front
12 of the home?

13 A. Yes.

14 Q. About how many?

15 A. Probably like ten.

16 Q. On the inside are there steps as well?

17 A. Going downstairs to the basement, yes.

18 Q. Otherwise is it just a first floor?

19 A. Yes.

20 Q. Is your bedroom on the first floor?

21 A. You have to go upstairs no matter what.

22 Q. How many steps to go upstairs?

23 A. Ten.

24 Q. Now, currently, is there medical
25 equipment that you use on a daily basis?

1 Franklin Buono

2 A. No.

3 Q. Nothing? Okay.

4 Do you still have to use any sort of
5 shower chair or toilet seat?

6 A. No.

7 Q. Any type of assistive walking devices?

8 A. No.

9 Q. Are you currently on any sort of
10 medication?

11 A. Yes.

12 Q. What are you taking?

13 A. Lexapro and Protonics.

14 Q. What is the Lexapro for?

15 A. Depression.

16 Q. Do you know how many milligrams?

17 A. About I think 25.

18 Q. How often do you take that?

19 A. Once a day.

20 Q. Did you take it today?

21 A. Yes.

22 Q. Does the Lexapro in any way affect your
23 ability to remember things?

24 A. I don't believe so.

25 Q. Does it affect your ability, in any

1 Franklin Buono

2 way, to concentrate or focus?

3 A. I don't believe so.

4 Q. And the Protonics, what is that for?

5 A. Stomach acid.

6 Q. How often do you take that?

7 A. Once every other day.

8 Q. Is that prescribed or is that over-the-
9 counter?

10 A. Prescribed.

11 Q. Where do you get your prescriptions
12 now?

13 A. It was Baxter's, now it's CVS.

14 Q. CVS where?

15 A. Goshen.

16 Q. Do you take any or use any type of
17 recreational drugs at this time?

18 A. I smoke marijuana.

19 Q. How often do you use marijuana?

20 A. Couple of times a week.

21 Q. When was the last time that you smoked
22 marijuana before today?

23 A. A day ago.

24 Q. Is that a recreational use of marijuana
25 or is it a medical use of marijuana?

1 Franklin Buono

2 A. Medical.

3 Q. Is it prescribed by a doctor?

4 A. It was prescribed. But I turned it
5 down because it would be too much money to go.

6 Q. So, now when you receive it it's not by
7 prescription; is that correct?

8 A. Correct.

9 Q. Do you take any other types of drugs
10 either prescription or non-prescription?

11 A. No.

12 Q. Do you drink alcohol?

13 A. No.

14 Q. Do you smoke?

15 A. I vape.

16 Q. When was the last time that you vaped?

17 A. Every day.

18 Q. About how many times a day did you
19 vape?

20 A. I don't know. Ten, 15, 20.

21 Q. Since the last time you appeared for a
22 deposition, have you applied to any schools?

23 A. No.

24 Q. Have you taken any sort of vocational
25 courses?

1 Franklin Buono

2 A. No.

3 Q. Have you applied to take any vocational
4 courses?

5 A. No.

6 Q. Have you applied for Access VR, do you
7 know what that is?

8 A. Yes. No.

9 Q. No you have not?

10 A. No.

11 Q. Have you had any computer training?

12 A. Since?

13 Q. Since the last time we were -- I was
14 not here --

15 A. No.

16 Q. -- you were here?

17 A. Correct.

18 Q. I believe you testified that one of
19 your hobbies was building computers. Is that still
20 something you do?

21 A. I haven't built one since the last
22 time.

23 Q. Have you applied for or taken any sort
24 of computer programming courses?

25 A. No.

1 Franklin Buono

2 Q. Have you applied for any jobs?

3 A. No.

4 Q. Have you looked for any type of jobs
5 whatsoever since the last time you were deposed?

6 A. No.

7 Q. Can you just tell me generally what
8 your current sources of financial support are?

9 A. The money I get from workers' comp.

10 Q. How much are you getting now?

11 A. About 700 every two weeks.

12 Q. Do you get any other types of benefits?

13 A. No.

14 Q. Do you have health insurance?

15 A. Yes. Through my father.

16 Q. What type of insurance is that?

17 A. Blue Cross Blue Shield.

18 Q. It's his plan?

19 A. Correct.

20 Q. Since we were here last, have you
21 applied for Medicaid in any way?

22 A. I think I applied but I never went
23 through with it.

24 Q. So, you filed the application but
25 didn't follow through on the paperwork?

1 Franklin Buono

2 A. I think so, yeah. I think.

3 Q. And you haven't received any Medicaid
4 benefits?

5 A. Correct.

6 Q. Any other types of assistance are you
7 receiving at this time?

8 A. No.

9 Q. The home where you live, is that a
10 rental or do you own that?

11 A. Her mom rents it.

12 Q. And so Emily's mom is the lessor; is
13 that correct?

14 A. Yeah.

15 Q. And does she pay the rent?

16 A. Yes.

17 Q. What does your girlfriend do for a
18 living?

19 A. She is a manager for a housing company
20 for disabled people.

21 Q. And what does your girlfriend's mom do?
22 Sorry. I forgot her name.

23 A. It's okay. Elisha. She is a manager
24 at a warehouse. She is in charge of shipping.

25 Q. Lets talk about currently, what your

1 Franklin Buono

2 medical care looks like. Are you seeing any
3 doctors on a regular basis?

4 A. Yes.

5 Q. Who are those?

6 A. My therapist.

7 Q. Is that Dr. Rubin?

8 A. Yes.

9 Q. Any other doctors besides Dr. Rubin?

10 A. Regularly, no.

11 Q. Have you seen any other doctors besides
12 Dr. Rubin since you were deposed last year?

13 A. Yes.

14 Q. Who are those?

15 A. Dr. Koch.

16 Q. When was the last time you saw
17 Dr. Koch?

18 A. A month ago.

19 Q. Do you have plans to return to see
20 Dr. Koch?

21 A. Yes. I have a surgery in September.

22 Q. Is that scheduled?

23 A. Yes.

24 Q. What type of surgery is that going to
25 be?

1 Franklin Buono

2 A. They have to shave the bone down
3 because it's growing again.

4 Q. Just so we're clear for the record, is
5 that the bone in your right leg --

6 A. Correct.

7 Q. -- at the amputation site?

8 A. Correct.

9 Q. Do you have a date for that surgery?

10 A. September 18.

11 Q. Besides seeing Dr. Koch, do you have
12 any other visits with doctors scheduled between now
13 and the time of that surgery?

14 A. No -- Oh, yes. Sorry. Dr. Asprinio,
15 he's the bone doctor.

16 Q. When was the last time you saw
17 Dr. Asprinio?

18 A. My last surgery, probably about a year
19 and a half ago, two years ago.

20 Q. You have an appointment with him now?

21 A. Yes.

22 Q. When is that, if you know?

23 A. I do not remember the date.

24 Q. Is it generally August, September?

25 A. September, early September.

1 Franklin Buono

2 Q. Besides Dr. Koch and Dr. Rubin, have
3 you seen any other doctors since you were deposed
4 in 2018?

5 A. Yes.

6 Q. Who is that?

7 A. I can not remember his name right now.

8 Q. What type of doctor?

9 A. He's my general doctor.

10 Q. Do you know what facility he's at?

11 A. I can't remember the name.

12 Q. Is that for the injuries you sustained
13 in this incident or something else?

14 A. He prescribes me the Lexapro.

15 Q. This surgery that you have coming up in
16 September, do you know where that's going to be
17 done?

18 A. In Westchester.

19 Q. Westchester Medical Center?

20 A. Yes.

21 Q. Since you were last deposed have you
22 had any physical therapy?

23 A. I can't remember if it was before or
24 after I was deposed.

25 Q. Do you recall the last time that you

1 Franklin Buono

2 had physical therapy?

3 A. It -- I can't remember if it was the
4 last -- if it was before or after I was deposed. I
5 only went once.

6 Q. One time only?

7 A. Well, no. Like one period. It was
8 like two months.

9 Q. So, one period of two months?

10 A. Yeah. Like a year and a half ago.

11 Q. Year and a half ago?

12 A. A year ago, yeah.

13 Q. Where was that done, if you recall?

14 A. It was in Goshen. I do not remember
15 the name of the place.

16 Q. Was it Advantage or was it someplace
17 else?

18 A. Someplace else.

19 Q. We will just put a request in that that
20 information be filled in as we proceed so we can
21 obtain those records.

22 * A. _____.

23 Q. Have you attended any occupational
24 therapy since you were last deposed?

25 A. No.

1 Franklin Buono

2 Q. Have you had any hospitalizations since
3 you were last deposed?

4 A. No.

5 Q. Have you gone to see your prosthetics
6 doctor since you were last deposed?

7 A. Yes.

8 Q. When was that?

9 A. Probably like two and a half, three
10 months ago.

11 Q. Did he make any recommendations for
12 your prosthetic at that time?

13 A. No.

14 Q. Do you have the same prosthetic device
15 now that you did when you were last deposed?

16 A. I'm not sure.

17 Q. Do you recall the last time that it was
18 changed?

19 A. It's probably last summer.

20 Q. Have you had the same one since last
21 summer up until today?

22 A. Yes.

23 Q. Now, when you were last deposed, you
24 were asked a little bit about your employment
25 history?

1 Franklin Buono

2 A. Yup.

3 Q. To make this a little bit easier, just
4 tell me this is the correct to get a sense of
5 employment. You worked for your father for a
6 little while; is that correct?

7 A. Yup.

8 Q. And then at Dunkin Donuts?

9 A. Yup.

10 Q. And I believe it was at Kiryas Joel?

11 A. Probably, yup.

12 Q. And then a place called F & F; is that
13 right?

14 A. Yup.

15 Q. And if I'm understanding that
16 correctly, there were some gaps in between each of
17 those jobs as well?

18 A. Yup.

19 Q. During those gaps, did you ever collect
20 unemployment benefits?

21 A. No.

22 Q. Can just tell me generally what you did
23 at your father's place of business?

24 A. I cleaned and repaired guns.

25 Q. Did he provide you training to do that?

1 Franklin Buono

2 A. I worked with the gunsmith.

3 Q. Do you recall how much you earned in
4 that job?

5 A. No.

6 Q. You were paid for that; correct?

7 A. Yes.

8 Q. And even though it's your father's
9 company?

10 A. Yeah.

11 Q. And where is your father's company
12 located?

13 A. It was in Goshen.

14 Q. Is it still open?

15 A. No.

16 Q. So, that changes my next question.

17 Which is, have you had an opportunity to go back to
18 work for your father. So, the answer to that would
19 be no; is that correct?

20 A. Correct.

21 Q. And after working for your father, your
22 next job was at Dunkin Donuts; is that correct?

23 A. Correct.

24 Q. Do you recall how much you earned in
25 that position?

1 Franklin Buono

2 A. No.

3 Q. And is it correct that you left that
4 position because it closed; is that correct?

5 A. I believe so.

6 Q. Did you inquire as to whether you could
7 get other employment at different Dunkin Donuts at
8 that time?

9 A. No.

10 Q. Then your next employment was at Kiryas
11 Joel; is that right?

12 A. Correct.

13 Q. And you were an ambulance driver?

14 A. Yes.

15 Q. Do you recall what your salary was for
16 that position?

17 A. No.

18 Q. Where was that located?

19 A. Monroe.

20 Q. You left that position?

21 A. Yes.

22 Q. Why did you leave that position?

23 A. We were sleeping in our cars and I was
24 not liking it.

25 Q. What was F & F?

1 Franklin Buono

2 A. It's an industrial warehouse.

3 Q. Where was that located?

4 A. Middletown.

5 Q. What did they warehouse? What were
6 they working on?

7 A. We just organized the warehouse items.

8 Q. What types of items were they?

9 A. Industrial equipment.

10 Q. And you were just working with
11 inventory; is that correct?

12 A. Correct.

13 Q. Did you receive any training in that
14 position?

15 A. No.

16 Q. Do you recall what your salary was for
17 that?

18 A. I think it was 12.

19 Q. Twelve dollars an hour?

20 A. Yeah.

21 Q. And why did you leave that position?

22 A. I wasn't liking it.

23 Q. Didn't like it?

24 A. Yeah.

25 Q. In any of those positions did you

1 Franklin Buono

2 receive any type of training in the use of fire
3 extinguishers?

4 A. No.

5 Q. In the use of fire compressors?

6 A. No.

7 Q. In any type of equipment that involved
8 fire -- what's the word I'm searching for --
9 extinguishing or compressing?

10 A. No.

11 Q. Now, your position at Oprandy's, how
12 did you learn about that?

13 A. Through my uncle.

14 Q. Who is your uncle?

15 A. Allen Foust.

16 Q. How did your uncle find out about the
17 position?

18 A. I do not know.

19 Q. Did he have any sort of relationship to
20 Oprandy's or someone who worked there?

21 A. I think he knew Brian.

22 Q. Is that Brian Scott?

23 A. Yes.

24 Q. What did he tell you about the job?

25 A. That it was just a job. He didn't know

1 Franklin Buono

2 what the position was for when I applied.

3 Q. Did you have to fill out an
4 application?

5 A. No.

6 Q. Did you have an interview?

7 A. Yes.

8 Q. Who was the interview with?

9 A. Brian Scott.

10 Q. During the application process or the
11 interview, were you told what your job functions
12 were to be?

13 A. Yes.

14 Q. What were you told?

15 A. That I would be cleaning and repairing
16 fire extinguishers.

17 Q. What were the hours of your position?

18 A. Nine to five.

19 Q. Do you recall what your salary was
20 there?

21 A. No. I think it was 10 or 12.

22 Q. Dollars an hour?

23 A. Yeah.

24 Q. Did you know Mr. Scott before you
25 interviewed with him?

1 Franklin Buono

2 A. No.

3 Q. Did you know anyone else who worked at
4 Oprandy's before you began working there?

5 A. No.

6 Q. Do you recall your first day of
7 employment?

8 A. No.

9 Q. Do you know in what month you began
10 working there?

11 A. March.

12 Q. Just as a way to refresh your
13 recollection, the accident was in February of 2016;
14 is that correct?

15 A. Correct. April I meant. Sorry.

16 Q. So, did you begin working there --

17 A. No. January. Sorry.

18 Q. No problem. No need to apologize.
19 It's just what you recall.

20 So, is it fair to say you began working
21 there in January of 2016?

22 A. Correct.

23 Q. Who was your supervisor, if you had
24 one?

25 A. I guess you would say Chris.

1 Franklin Buono

2 Q. Is that Chris Foust?

3 A. Yes.

4 Q. Was he related to Allen Foust?

5 A. No, actually.

6 Q. Who taught you your job duties at the
7 position when you began?

8 A. Chris.

9 Q. What did he teach you?

10 A. How to take apart and put together a
11 fire extinguisher.

12 Q. Do you have any knowledge of Chris's
13 job duties, other than to teach you how to take
14 apart and put together the fire extinguisher?

15 A. No.

16 Q. Did you ever observe the work that he
17 was doing?

18 A. Yeah.

19 Q. What type of work would he do?

20 A. Basically the same thing. He would
21 just work on the water cans most of the time.

22 Q. Did you work on the water cans?

23 A. No.

24 Q. Was your job solely related to the fire
25 extinguishers?

1 Franklin Buono

2 A. Yes.

3 Q. Do you have any knowledge at all how
4 Chris was trained for his position?

5 A. No.

6 Q. Did you have any relationship with
7 Chris before work at Oprandy's?

8 A. No.

9 Q. No social relationship at all?

10 A. No.

11 Q. And in the time between when you began
12 working at Oprandy's in January and the date of the
13 accident, did you have any relationship with Chris
14 outside of work?

15 A. No.

16 Q. Social relationship at all?

17 A. No.

18 Q. Did you ever hang out outside of the
19 employment?

20 A. No.

21 Q. In the days that you worked at
22 Oprandy's before the accident occurred, about how
23 many fire extinguishers did you work on?

24 A. I don't know.

25 Q. Can you estimate about how many you

1 Franklin Buono

2 would work on in a given day?

3 A. Ten to 20 maybe.

4 Q. Did you work Monday through Friday?

5 A. Yes.

6 Q. Did you ever work on any sort of
7 compressors in that same timeframe?

8 A. No.

9 Q. Before the accident did anyone ever ask
10 you to do that type of work?

11 A. No.

12 Q. Before the accident did you voluntarily
13 pick up any compressors and try to work on them in
14 any way?

15 A. No.

16 Q. And you know the difference between an
17 a extinguisher and a compressor; correct?

18 A. I compressed tank?

19 Q. Yes. I will adopt that. Okay.

20 Can you describe for us your
21 understanding of the difference between the fire
22 extinguisher and a compressed tank?

23 A. One was filled with air, one was filled
24 with a mixture of air and chemicals.

25 Q. Are they filled in the same manner?

1 Franklin Buono

2 A. No.

3 Q. How is it that you know that?

4 A. Because it's from what happened.

5 Q. Just from the accident itself?

6 A. Yeah.

7 Q. Are they both equipped with gauges for
8 checking pressure?

9 A. Yes.

10 Q. And how did you know that?

11 A. I visually saw gauges on them.

12 Q. And the training that you received from
13 Chris prior to the date of the accident, was just
14 on the fire extinguishers; correct?

15 A. Correct.

16 Q. I'm going to turn to the accident date
17 for the next series of questions. Okay?

18 A. Um-hmm.

19 Q. What time did you arrive to work that
20 day?

21 A. Around nine.

22 Q. I apologize if some of these questions
23 are repetitive of before. I just think it will
24 help us getting through it a little more
25 efficiently?

1 Franklin Buono

2 A. Okay.

3 Q. What exactly did you do when you
4 arrived that day?

5 A. I think I was helping Brian load his
6 truck with fire extinguishers.

7 Q. Was there a punch clock that you had to
8 use?

9 A. No.

10 Q. What were you wearing?

11 A. Jeans and a shirt and boots.

12 Q. Were you working outside to load the
13 truck?

14 A. Yeah.

15 Q. Did you have to wear a jacket or
16 something like that in February?

17 A. Yeah.

18 Q. Were you wearing any other type of
19 safety equipment like the glove, hats, vest,
20 anything like that?

21 A. I don't believe so. I don't remember.

22 Q. In the time between when you arrived at
23 Oprandy's and the time that the accident occurred,
24 what other employees did you see there that day?

25 A. I think it was just Brian.

1 Franklin Buono

2 Q. Did you see Chris at all that morning?

3 A. Oh, yeah. And Chris.

4 Q. Was anyone else helping to load Brian's
5 truck besides you and -- was Brian doing it with
6 you?

7 A. I believe, yeah. I think so.

8 Q. Was it just the two of you?

9 A. I believe so, yeah.

10 Q. And was Chris working on that as well
11 or no?

12 A. I don't remember.

13 Q. About how long did you work on loading
14 the truck?

15 A. I don't remember.

16 Q. And at some point you finished loading
17 the truck; is that correct?

18 A. Yup.

19 Q. What happened next?

20 MR. FROMSON: Objection as to form.

21 A. I do not remember.

22 Q. Did you have any conversations with
23 anyone after you finished loading the truck?

24 A. I don't remember.

25 Q. Were you directed as to what you should

1 Franklin Buono

2 do next for your job duties?

3 A. At some point Brian asked me to fill a
4 compressed air tank.

5 Q. Where were you when that conversation
6 took place?

7 A. In the room we worked in.

8 Q. Back inside?

9 A. Yup.

10 Q. Who was with you at the time that
11 conversation took place, if anyone?

12 A. Chris might have been there.

13 Q. Were there any customers on the
14 premises when that conversation took place?

15 A. I doubt it.

16 Q. Do you remember there being any?

17 A. No.

18 Q. What exactly did Brian say to you and
19 what did you say back, if anything?

20 A. I really don't remember.

21 Q. The filling of the compressor tanks,
22 that was typically a job that was done by Chris; is
23 that correct?

24 A. Correct.

25 Q. Chris was at work; is that right?

1 Franklin Buono

2 A. Correct.

3 Q. Is there a reason why Brian did not ask
4 him to do it, if you know?

5 A. I do not.

6 Q. What did you do after you were asked to
7 fill the compressor tank?

8 A. I asked Chris to show me how to do it.

9 Q. Do you know a man by the name of
10 Mr. Nelson?

11 A. I do not.

12 Q. Do you know a company called Nelson
13 Tree?

14 A. I do not.

15 Q. Did you see a customer or at the --
16 strike that.

17 A. Customers -- go ahead.

18 Q. Did you see any customers that morning
19 before the accident occurred?

20 A. No.

21 Q. Now, Mr. Scott did testify after you
22 did. And he said that -- and I'm just go to tell
23 you, paraphrase what he said, that he actually
24 asked Chris to fill the compressor tank. And that
25 it was a tank that was brought in by a Mr. Nelson

1 Franklin Buono

2 from Nelson Tree. Does that any of that refresh
3 your recollection about what happened that morning?

4 A. No.

5 Q. Does that change your testimony in any
6 way?

7 A. No.

8 Q. Tell me, after you asked Chris to show
9 you how to do it, what happened next?

10 MR. FROMSON: Objection as to form.

11 You can answer.

12 A. Please repeat it.

13 Q. Certainly.

14 You asked Chris to show you how to fill
15 the compressor tank; is that correct?

16 A. Correct.

17 Q. Where were you when that conversation
18 occurred?

19 A. In the main work room.

20 Q. In the main work room?

21 A. Yeah.

22 Q. And did you stay in that main work
23 room?

24 A. I don't know.

25 Q. Did you go into any other rooms?

1 Franklin Buono

2 A. Yeah.

3 Q. What room did you go into?

4 A. There is like a back room that's filled
5 with fire extinguishers.

6 Q. Is that where you went next?

7 A. Yes.

8 Q. Is that where the accident occurred?

9 A. Yes.

10 Q. Can you tell me when you and Chris
11 entered the room, what you did first?

12 A. I don't remember.

13 Q. Do you recall what Chris did first?

14 A. I don't remember.

15 Q. Did you immediately go to begin the
16 work of filling the compressed tank?

17 A. No.

18 Q. What did you do before that?

19 A. I just was waiting for Chris.

20 Q. What were you waiting for him to do?

21 A. To do the tank.

22 Q. He was the one who was filling the
23 tank; is that correct?

24 A. Correct.

25 Q. Did you physically touch any of the

1 Franklin Buono

2 equipment involved with filling the compressed
3 tank?

4 A. I looked at the tank at one point.

5 Q. But did you touch it in any way?

6 A. I don't remember.

7 Q. How far away were you from where the
8 tank was located while Chris was filling it?

9 A. Probably like a foot or two maybe.

10 Q. Could you see the gauge from where you
11 were standing?

12 A. Yes.

13 Q. Did you have any conversation with
14 Chris as he began to fill the compressed tank?

15 A. I don't remember.

16 Q. Was he directing you in any way,
17 explaining to you what he was doing?

18 A. No.

19 Q. Did you have any conversation with
20 Chris about the gauge itself?

21 A. I think we said something along the
22 lines of it wasn't moving. We both noticed that it
23 wasn't moving.

24 Q. What was the significance of that?

25 MR. FROMSON: Objection as to form.

1 Franklin Buono

2 You can answer.

3 A. I think he thought there was no air
4 going through. But I don't know what he was
5 thinking.

6 Q. From your perspective, was there a
7 significance to the fact that the gauge was not
8 moving?

9 A. There -- from what I was taught, it was
10 -- there is no air going in if the gauge isn't
11 moving.

12 Q. Is that from what you were taught in
13 regard to fire extinguishers?

14 A. Yeah.

15 Q. Was there any sort of safety cage in
16 that room?

17 A. No.

18 Q. Did you put on any additional type of
19 equipment when you entered the room?

20 A. No.

21 Q. Or while you were in the room?

22 A. Nope.

23 Q. Did you express any type of concern to
24 Chris about the fact that the gauge was not moving?

25 A. No.

1 Franklin Buono

2 Q. And forgive me for paraphrasing again,
3 but at your first deposition you described Chris
4 using some sort of screw driver; is that correct?

5 A. I don't remember.

6 Q. Was Chris using some sort of tool with
7 the compressed tank at some point?

8 A. Probably.

9 Q. Do you recall that as you sit here
10 right now?

11 A. I don't remember.

12 Q. Other than the discussion that you had
13 about the gauge not moving, did you have any other
14 conversations with Chris while he was filling the
15 compressed tank?

16 A. I do not remember.

17 Q. Do you recall if that room had a heater
18 in it?

19 A. Yes.

20 Q. Was it on?

21 A. I don't know. It was really cold so I
22 doubt it.

23 Q. Was it very cold in the room?

24 A. Yeah.

25 Q. Do you recall either a heater or some

1 Franklin Buono

2 other machine in the room making noise, such that
3 it was difficult to hear each other speak?

4 A. I don't remember.

5 Q. Did Chris ever express to you that he
6 was having trouble hearing the air flowing?

7 A. I don't remember.

8 Q. Now, the extinguishers that you worked
9 on in your job duties, did they have information
10 stamped on the side of them about the fill
11 pressures?

12 A. I don't remember.

13 Q. Was it something that you were
14 accustomed to look for once you started working on
15 a fire extinguisher?

16 A. Yeah.

17 Q. What was the purpose of that?

18 A. What was the last question?

19 Q. What was the purpose --

20 A. The one before that. Sorry.

21 Q. Okay.

22 There is information stamped on the
23 side of fire extinguishers --

24 A. Yeah.

25 Q. -- for pressure; is that correct?

1 Franklin Buono

2 A. Correct.

3 Q. And that was that something you were
4 accustomed to looking for when you were filling a
5 fire extinguisher?

6 A. Yeah.

7 Q. Why would you be looking for that?

8 A. The pressure amount.

9 Q. Okay.

10 The pressure amount that the
11 extinguisher could hold?

12 A. I think it was the numbers on the
13 gauge.

14 Q. Okay.

15 A. I think.

16 Q. All right.

17 So, you were looking for the numbers on
18 the gauge to be --

19 A. Yeah.

20 Q. -- that you would see on the side of
21 the fire extinguisher; is that correct?

22 A. Yeah.

23 Q. Did the tank that Chris was filling
24 have a stamp on the side of it that stated the
25 pressure, if you recall?

1 Franklin Buono

2 A. I don't remember.

3 Q. Did you look at that before Chris began
4 filling it?

5 MR. FROMSON: Just note my objection
6 as to form.

7 A. I don't think before. But I was
8 looking at some point, when it stopped working or
9 when it like -- because -- yeah. Something
10 happened where nothing was happening, so he went
11 and got something, and I was looking. But --

12 Q. What did you see when you were looking?

13 A. I didn't see. I don't remember really.

14 Q. You didn't see anything or you didn't
15 remember?

16 A. I don't remember.

17 Q. Do you know a woman by the name of
18 Kimberly Tremberger, I believe is how it said?

19 A. I believe she worked there, yeah.

20 Q. Do you know what she did at Oprandy's?

21 A. I think she worked at the front desk.

22 Q. Did you ever argue with Chris in front
23 of her?

24 MR. FROMSON: Objection as to form.

25 A. I doubt it.

1 Franklin Buono

2 Q. Does she also have a brother?

3 A. I don't know.

4 Q. Do you know a William Tremberger?

5 A. I don't think I ever met him.

6 Q. Did you see Kimberly Tremberger or
7 William Tremberger at all that morning before the
8 accident?

9 A. I don't think so.

10 (Reporter clarification.)

11 Q. Now, how long was Chris trying to fill
12 the tank before the explosion occurred?

13 A. I don't remember.

14 Q. Was it minutes?

15 A. It was probably very few, if minutes.

16 Q. You think less than five minutes?

17 A. Yeah.

18 Q. Did he call for any help with the
19 machine before the explosion happened?

20 A. No.

21 Q. When he was, for example, when he
22 realized that it wasn't filling properly, did he go
23 get assistance from anyone?

24 A. No.

25 Q. Did you?

1 Franklin Buono

2 A. No.

3 Q. So, after the explosion happened, who,
4 if anyone did you see come into the room?

5 A. No one came in the room.

6 Q. Did anyone come to the doorway?

7 A. Brian did.

8 Q. Did you speak to him when he came to
9 the doorway?

10 A. I don't remember.

11 Q. Could you see him from where you were?

12 A. At one point probably, yeah.

13 Q. Could you see if he called 9-1-1 from
14 your perspective?

15 A. I couldn't see.

16 Q. Did you see him ever return to the
17 doorway or enter the room?

18 A. I don't remember.

19 Q. Did you ever lose consciousness?

20 A. No.

21 Q. Obviously the injury was to your right
22 leg. Did you feel pain in your right leg?

23 A. Yes.

24 Q. Was there blood?

25 A. Yes.

1 Franklin Buono

2 Q. Did you take any steps to try to
3 control the blood?

4 A. Yes.

5 Q. What did you do?

6 A. I tourniqueted my leg with my belt.

7 Q. With your belt?

8 A. Yeah.

9 Q. How did you know to do that?

10 A. Movies and video games.

11 Q. How long was it before any type of EMT
12 or policeman or firemen responded?

13 A. It was a while.

14 Q. Who came first?

15 A. I think the firefighter.

16 Q. What did the firefighter do when he
17 arrived? Was there more than one? Excuse me.

18 A. I don't remember. I think it was just
19 one.

20 Q. What did he do when he arrived or she?

21 A. He backed up against the wall and kind
22 of just stared.

23 Q. After that did you see him do anything?

24 A. No. I don't remember.

25 Q. Did paramedics or EMTs arrive as well?

1 Franklin Buono

2 A. I think the state troopers showed up
3 next.

4 Q. Was there more than one?

5 A. Yeah.

6 Q. How many do you recall?

7 A. I think two.

8 Q. What did they do?

9 A. They gave me a tourniquet, like a
10 better tourniquet.

11 Q. And then did paramedics arrive?

12 A. I think so.

13 Q. Do you remember how many?

14 A. No.

15 Q. Do you recall what they did?

16 A. No.

17 Q. If anything?

18 A. I know they gave me a shot of morphine
19 and they missed.

20 Q. Missed the vein?

21 A. Yeah. I think so. That's what the
22 helicopter pilot said.

23 Q. Someone told you that?

24 A. Yeah. I think at least.

25 Q. Did you feel that or have any

1 Franklin Buono

2 independent recollection of that yourself?

3 A. No.

4 Q. How were you removed from the room?

5 A. What is it called, a bed, that they put
6 you on.

7 Q. A stretcher?

8 A. Yeah.

9 Q. Were you taken to an ambulance?

10 A. Yeah.

11 Q. And you were first in an ambulance. Do
12 you recall how long you drove in the ambulance?

13 A. No.

14 Q. And eventually you were taken to a
15 helicopter; is that correct?

16 A. Correct.

17 Q. If you need a break, feel free to ask
18 for it.

19 A. I'm okay.

20 Q. I know this is difficulty.

21 A. I'm okay. Thank you.

22 Q. Did either the ambulance personnel or
23 the people in the helicopter provide you any
24 additional care on route to the hospital?

25 A. I don't remember.

1 Franklin Buono

2 Q. Did you call for anyone yourself as you
3 were being taken from Oprandy's to the hospital?

4 A. What do you mean?

5 Q. Did you have a cell phone with you?

6 A. Yeah.

7 Q. Did you make any calls yourself?

8 A. On the ambulance?

9 Q. On the ambulance or on the helicopter,
10 if that's possible?

11 A. I don't think so, no.

12 Q. Did you remain conscious the entire
13 time as you were taken to the hospital?

14 A. Yes.

15 Q. Now, am I correct that Chris did not go
16 in the same ambulance or helicopter with you; is
17 that correct?

18 A. Correct.

19 Q. Did you hear him have any conversations
20 before you left the room where the accident
21 occurred?

22 A. No.

23 Q. Did you speak to him yourself?

24 A. I don't remember.

25 Q. Did you hear him have any conversations

1 Franklin Buono

2 with either the paramedics or the state troopers or
3 the firemen?

4 A. No. I couldn't hear because of the
5 explosion.

6 Q. Was there a ringing in your ears?

7 A. Yeah.

8 Q. So, could you hear any conversations
9 that were happening?

10 A. No. Not unless they were right in front
11 of me.

12 Q. I'm going to skip ahead to the
13 hospital, okay. And I'm going to focus my next
14 series of questions on your stay in the hospital.
15 Okay. And you went to the emergency room first; is
16 that correct?

17 A. Correct.

18 Q. What was done for you there, if you
19 recall?

20 A. I don't remember.

21 Q. And obviously you were admitted to the
22 hospital; correct?

23 A. Correct.

24 Q. How many days were you in the hospital?

25 A. I think two weeks-ish.

1 Franklin Buono

2 Q. You were moved around a little bit; is
3 that right?

4 A. Correct.

5 Q. So, from the emergency room where did
6 you go?

7 A. I don't remember.

8 Q. Were you in an ICU at one point?

9 A. Yes.

10 Q. Were you also in a trauma unit?

11 A. Probably.

12 Q. Were they two separate places?

13 A. I don't remember.

14 Q. And you did have to have surgery in the
15 hospital; correct?

16 A. Correct.

17 Q. How many were there during this visit?

18 A. Probably like six.

19 Q. Do you know what types of surgeries
20 those were?

21 A. Kind of.

22 Q. Can you just describe it in your words?

23 A. They had to clean the site, that was
24 probably like four of them. And they did the flap
25 surgery.

1 Franklin Buono

2 Q. Was that the flap surgery done over two
3 surgeries or one, if you remember?

4 A. One.

5 Q. Any other type of surgery that you can
6 recall?

7 A. No.

8 Q. Did you have to have blood transfusions
9 in the hospital?

10 A. Yeah.

11 Q. Do you recall how many?

12 A. No.

13 Q. And I'm assuming you were given
14 medication; correct?

15 A. Correct.

16 Q. By what means were you given
17 medication?

18 A. I had the button, whatever it's called.

19 Q. Like a morphine drip --

20 A. Yup.

21 Q. -- where you press the button when you
22 need more medication?

23 A. Yup.

24 Q. That's put into your arm by an IV?

25 A. Yeah.

1 Franklin Buono

2 Q. While you were in the hospital for
3 those two weeks, did you get inpatient occupational
4 therapy?

5 A. A little bit.

6 Q. How about physical therapy?

7 A. Not occupational. Sorry. I had a
8 little physical therapy.

9 Q. What type of family support did you
10 have when you were in the hospital, and if you want
11 to include your girlfriend in that of course?

12 A. I had my whole family and girlfriend.

13 Q. When you say your whole family, who is
14 that?

15 A. Dad, mom, sister, other relatives.

16 Q. Was there a point in time that you
17 asked security to have your mother be kept away
18 from you?

19 A. Yeah.

20 Q. Was there a reason for that?

21 A. She was ecstatic [sic] and I just
22 wanted to just chill.

23 Q. And, please, do not tell me about any
24 conversations, but did you have any attorneys with
25 you while you were in the hospital?

1 Franklin Buono

2 A. I think they might have visited me.

3 Q. Were those your workers' compensation
4 attorneys or your injury attorneys?

5 A. It was both.

6 Q. Did either of your attorneys have any
7 conversations with the doctors while they were
8 there?

9 A. I don't remember.

10 Q. Did they direct your medical care in
11 any way?

12 A. I don't remember.

13 Q. And again, I don't want to know
14 conversations with your attorneys. But how is it
15 that you found those attorneys?

16 A. Through my family.

17 Q. Now, when you were released from the
18 hospital, you were discharged to home; is that
19 correct?

20 A. Correct.

21 Q. Did any of the doctors there or nurses
22 or sociable worker offer you any type of outpatient
23 rehabilitation care, like in a facility or
24 something like that?

25 A. Yes.

1 Franklin Buono

2 Q. Did you decline that?

3 A. No. I had someone come to the home for
4 a while.

5 Q. How long did they come to your home?

6 A. Probably two or three months, I think.

7 Q. Was it a male, female?

8 A. Male.

9 Q. What did he do for you?

10 A. He helped me strengthen my knee back so
11 I could bend it fully.

12 Q. Were these done with different types of
13 exercises?

14 A. Yeah.

15 Q. What types of exercises?

16 A. You use a band and you just do the
17 exercises with the band, stretching.

18 Q. Anything else that he did with you?

19 A. No.

20 Q. Did your girlfriend's mother live there
21 at the time when you were first released from the
22 hospital?

23 A. Yes.

24 Q. And did the two of them have to assist
25 you with different tasks?

1 Franklin Buono

2 A. Yes.

3 Q. After you first got released, I'm sort
4 of focussing on that period right after the
5 hospital. What types of things did they have to
6 assist you with?

7 A. Everything from showering to going to
8 the bathroom, to cooking, cleaning.

9 Q. Did you have any type of assistance
10 from an outside person for those types of tasks?

11 A. Yes.

12 Q. Who was that?

13 A. I had a couple of people. I don't
14 remember the names.

15 Q. Do you know if they were from an
16 agency?

17 A. I don't remember. I didn't --

18 Q. Did they do those same types of tasks
19 for you --

20 A. Yes.

21 Q. -- or with you?

22 Were you able to do any of those things
23 on your own in that period after you got out of the
24 hospital?

25 A. Used the bathroom soon after, that was

1 Franklin Buono

2 about it.

3 Q. So, you mentioned that you had a male
4 helping you with exercises. Was that a physical
5 therapist?

6 A. Yes.

7 Q. How often did he come?

8 A. I don't remember. Maybe twice a week.

9 Q. Now, when you were released from the
10 hospital, can you tell me what type of medical
11 equipment you had, if anything?

12 A. I can't remember what it is. But you
13 put it on the end of your leg and it basically
14 brings all of the fluids out. Vacuum pump. But I
15 forget, I think that's what it might be called.

16 Q. Like a vacuum pump with a drain?

17 A. Yeah. No. That's different. I had
18 the drain the back too. I forgot about that.

19 Q. So, you had a drain in your back --

20 A. Yeah.

21 Q. -- as well as a vacuum pump on your
22 leg?

23 A. Yeah. Because they had to take muscle
24 from my back. So, yeah, I had that hooked up to a
25 drain.

1 Franklin Buono

2 Q. How about a wheelchair?

3 A. Yup.

4 Q. Did you use that in your home?

5 A. I couldn't -- I was bed ridden for a
6 couple of months. I couldn't actually sit in the
7 chair.

8 Q. And that lasted for a couple of months?

9 A. Yeah. Like -- I don't remember how
10 many but.

11 Q. I'm going to focus, maybe to make this
12 a little bit easier, the time between when you got
13 released from the hospital and when you first went
14 to see a doctor for follow up, we will focus on
15 that time period. Were you able to get around at
16 all in that time frame?

17 A. Maybe just to go to the bathroom, I
18 think that's it.

19 Q. Did you have crutches?

20 A. Yeah. But I couldn't use them.

21 Q. Did you have any type of walker?

22 A. Yeah. But I couldn't use it.

23 Q. And besides those things, did you have
24 a hospital bed?

25 A. No.

1 Franklin Buono

2 Q. Was one offered to you?

3 A. I don't remember.

4 Q. Did you have any sort of specialized
5 equipment for your toilet, like a toilet seat?

6 A. Yes.

7 Q. What did you have?

8 A. Toilet seat.

9 Q. Like a raised seat?

10 A. With bars, yup.

11 Q. Did you have anything -- did you take a
12 bath or a shower in that time frame?

13 A. Shower.

14 Q. Did you have a shower chair?

15 A. Yup.

16 Q. Anything else, any other type of
17 equipment that I'm not mentioning that you had in
18 that time frame?

19 A. Not that I remember.

20 Q. Now, when you were released from the
21 hospital, what type of medication were you on?

22 A. Painkillers, blood thinners. I don't
23 know any others. I was on Gabapentin for a little
24 while, until I realized it was causing me more
25 pain.

1 Franklin Buono

2 Q. Did you ask for a doctor to switch it
3 for that --

4 A. I just like didn't take it for one day
5 and realized it was having an adverse reaction
6 causing me more pain.

7 Q. What was the adverse reaction?

8 A. I was -- it was a nerve pain med, but
9 it was actually causing me more nerve pain.

10 Q. Do you recall what kinds of painkillers
11 you were first on when you got released?

12 A. I don't remember.

13 Q. All of your pain medication when you
14 were first released, did that come from Baxter's
15 Pharmacy?

16 A. I believe so, yeah.

17 Q. So, we mentioned painkillers, blood
18 thinners. Was there any other category of
19 medication that you were taking?

20 A. Not that I remember.

21 Q. Now, you weren't smoking in the
22 hospital; correct?

23 A. Correct.

24 Q. You weren't vaping in the hospital?

25 A. Correct.

1 Franklin Buono

2 Q. So, when you came out of the hospital
3 did you begin smoking or vaping again?

4 A. I don't think so.

5 Q. When did you start doing that again?

6 A. I don't remember.

7 Q. When you first came out of the
8 hospital, did you start using marijuana?

9 A. Probably.

10 Q. Do you have a recollection of that?

11 A. No. I don't remember.

12 Q. Did you smoke marijuana before you had
13 the accident?

14 MR. FROMSON: Objection as to the
15 form. Just in terms of the time frame.

16 MS. FAPPIANO: Sure.

17 Q. Lets say in the one year before the
18 date of the accident?

19 A. Yes.

20 Q. Did you smoke marijuana?

21 A. Yeah.

22 Q. How often?

23 A. Once or twice a week.

24 Q. Did you return to smoking once or twice
25 a week after the accident?

1 Franklin Buono

2 A. Yeah.

3 Q. Right after you got out of the hospital
4 or some period afterwards?

5 A. Probably some period afterwards.

6 Q. Do you recall when?

7 A. No.

8 Q. Now, after you got out of your
9 hospital, was your regular doctor Dr. Koch?

10 A. I -- yes.

11 Q. Did you also see, and I always mess up
12 this, Dr. Asprinio?

13 A. Asprinio, yes.

14 Q. Were those your two regular doctors at
15 that time?

16 A. Yes.

17 Q. Were there any other doctors you began
18 to see right after you got out of the hospital in
19 those follow ups?

20 A. I don't remember.

21 Q. How did you get to and from those
22 appointments?

23 A. Not an ambulance, ambulette.

24 Q. When you had your first follow-up
25 visit, was the treatment plan changed, did it stay

1 Franklin Buono

2 the same, something else?

3 A. I don't remember.

4 Q. Was your medication changed, did it
5 stay the same, something else?

6 A. I don't remember.

7 Q. Were you ever told that you had any
8 issues with the amputation site healing properly?

9 A. In PT I put my leg down and killed some
10 of the skin by accident. So, we had to have it
11 revised.

12 Q. Okay. I'm going to get to that in a
13 moment --

14 A. That was a while.

15 Q. -- in a moment, yes.

16 You know, after the surgeries and you
17 had been released from the hospital there was a
18 period of healing; is that correct?

19 A. Correct.

20 Q. And did the home health attendant have
21 to help with you wound care --

22 A. Yeah.

23 Q. -- during that time frame?

24 Did either the home health care person
25 or your doctors tell you that there was any issues

1 Franklin Buono

2 with the wound healing properly?

3 A. I don't believe so.

4 Q. Were there any issues with infection?

5 A. I don't believe so.

6 Q. And again, we will get to the situation
7 with the physical therapy. But were there any
8 complications that you were told about after you
9 were released from the hospital?

10 A. No.

11 Q. At some point you started the process
12 for the prosthetic; is this correct?

13 A. Correct.

14 Q. Who was your doctor for that?

15 A. I don't remember. I think Gorachini
16 [ph].

17 Q. Where was he located?

18 A. She was.

19 Q. She. Sorry.

20 A. Helen Hayes Hospital.

21 Q. Do you recall when it was that you
22 first went to see her?

23 A. No.

24 Q. Do you recall how long after the
25 accident that was?

1 Franklin Buono

2 A. No.

3 Q. The physical therapy that you had in
4 your home, how long did that last for?

5 A. I'm not sure. Maybe two months.

6 Q. And then at some point did you go to an
7 outside physical therapist?

8 A. Like two years later.

9 Q. So, was there a gap in time between
10 when you had your in-home physical therapy and when
11 you resumed physical therapy --

12 A. Yeah.

13 Q. -- later?

14 Was there a reason for that?

15 A. The physical therapy I was receiving at
16 first was just to get basically restrengthen the
17 knee, just the me because it was in a fixator and
18 it was in a locked position for so long that they
19 needed to do that in order for it to bend again.
20 And the other physical therapy was more for
21 walking.

22 Q. For ambulating, is that correct, for
23 walking?

24 A. Yeah.

25 Q. And was that physical therapy also to

1 Franklin Buono

2 help you get used to how to walk with a prosthetic
3 at one point in time?

4 A. Yeah.

5 Q. And so, when you began the physical
6 therapy later, was that around the same time that
7 you started using the prosthetic?

8 A. No.

9 Q. So, did you have any physical therapy
10 outside of your home before you began to work with
11 the prosthetic?

12 A. I don't remember.

13 Q. Do you remember when it was that you
14 got your first prosthetic?

15 A. I think it was the end of this summer,
16 the first year. So, the end of like August, '16 --
17 2016.

18 Q. Did your quality of life change with
19 did that prosthetic?

20 A. Unfortunately no.

21 Q. Why not?

22 A. I couldn't really use it because I was
23 getting terrible blisters. I probably could use it
24 like twice a month.

25 Q. Now, earlier on I mentioned some

1 Franklin Buono

2 different types of medical equipment. Did there
3 come a point where you were able to get around in a
4 wheelchair?

5 A. Yes.

6 Q. When did that happen?

7 A. Probably like as soon as I got my
8 fixator out. I'm not sure when that was from the
9 accident.

10 Q. Lets talk about that really briefly.
11 You had a fixator on your leg when you were
12 released from the hospital; is that correct?

13 A. Correct.

14 Q. At some point that had to be removed?

15 A. Correct.

16 Q. Who did that for you?

17 A. Dr. Asprinio.

18 Q. Do you recall when that was?

19 A. Probably in July maybe, early July.

20 Q. Of 2016?

21 A. Yup.

22 Q. And once that was done is when you were
23 able to use the wheelchair, is that fair to say?

24 A. Yeah.

25 Q. Did there come a point in time that you

1 Franklin Buono

2 were able to get around on crutches in any way?

3 A. This is like -- that's when I started
4 using crutches is when I got the fixator out
5 really.

6 Q. So, the wheelchair and the crutches?

7 A. Yeah.

8 Q. Was there any point in time that you
9 had a walker?

10 A. I think so.

11 Q. Did you ever use that in any regular
12 way?

13 A. I don't remember.

14 Q. Now, was there -- let me see if I can
15 phrase this properly, were there times that you
16 used the wheelchair versus times that you used the
17 crutches?

18 A. I used the crutches to go out.

19 Q. And the wheelchair was used in your
20 home?

21 A. Yeah.

22 Q. How often would you go out with
23 crutches once you started to use them?

24 A. Probably like two or three times a
25 month.

1 Franklin Buono

2 Q. And what types of things were you going
3 out to do?

4 A. Mostly doctors appointments.

5 Q. The rest of the time when you were at
6 home what were you doing all day?

7 A. Watching T.V.

8 Q. Anything else?

9 A. This is when I had the fixator in?

10 Q. Lets focus this is on after the time
11 the fixator came off and you were able to get
12 around a little bit with the wheelchair in your
13 home and crutches to go out. What was your days
14 like in your home?

15 A. Watching T.V. and playing video games.

16 Q. In that same time frame, did you
17 continue to require assistance at home with other
18 types of tasks?

19 A. My girlfriend helped me with most
20 things, cleaning, cooking.

21 Q. Did you have to continue to have some
22 sort of home health aide after the fixator came
23 off?

24 A. I don't remember.

25 Q. Did the physical therapy continue to

1 Franklin Buono

2 come to your home after the fixator came off?

3 A. That's when he started to come, is when
4 the fixator came off.

5 MR. FROMSON: Off the record a minute.

6 (A discussion was held off the
7 record.)

8 Q. The physical therapy started in your
9 home after your fixator came off; is that correct?

10 A. Correct.

11 Q. And what type of therapy were you
12 receiving at that time?

13 A. Just for my knee.

14 Q. And what types of things was the
15 physical therapist doing with you?

16 A. Using the bands to stretch my knee.

17 Q. So, was it just strengthening exercises
18 at that time?

19 A. Yeah.

20 Q. Did he work with you at all on teaching
21 you how to walk with the crutches?

22 A. Yup.

23 Q. And did he work with you at all on how
24 to get around at all within your home?

25 A. Yup.

1 Franklin Buono

2 Q. So, backing up just a little bit. At
3 the end of 2016 you received your first prosthetic;
4 is that correct?

5 A. I believe so, yeah.

6 Q. How often did you wear that at the
7 beginning?

8 A. Probably once or twice a month.

9 Q. What was the reason for that?

10 A. I would get blisters.

11 Q. Where would you get those blisters?

12 A. On the bottom of my stump.

13 Q. Is that something you discussed with
14 your doctors?

15 A. Yup.

16 Q. Was anything done as a result of that?

17 A. They redid the prosthetic.

18 Q. Do you recall when they did the
19 prosthetic?

20 A. No.

21 Q. If you received the first one in August
22 of 2016, did you get a second one by the end of the
23 year?

24 A. I don't remember the time period on
25 that.

1 Franklin Buono

2 Q. Did that situation with the first one
3 go on for more than six months?

4 A. I believe so.

5 Q. You were getting physical therapy;
6 correct?

7 A. I believe so.

8 Q. And did you express to the physical
9 therapist that there was an issue with the
10 prosthetic?

11 A. I think when I first got the prosthetic
12 I didn't have physical therapy when I first got it.

13 Q. Now, you started to mention earlier
14 that there was a situation in physical therapy
15 where you put your leg down; is that right?

16 A. Correct.

17 Q. Tell me about that?

18 A. I think I was just doing an exercise,
19 and not thinking, I just put my leg down like I was
20 trying to like go on my knee or something, and it
21 just tore the skin. Didn't even tear it. It
22 killed it.

23 Q. When you say "killed it", what do you
24 mean by that?

25 A. Turned black over a couple of days.

1 Franklin Buono

2 Q. You had a skin graft in that area; is
3 that correct?

4 A. Correct.

5 Q. And so this issue with the skin tearing
6 and turning black, did that lead to another
7 surgery?

8 A. Correct.

9 Q. Just to frame it just a little bit.
10 How many surgeries have you had so far since you
11 left the hospital, not counting the ones that were
12 in the hospital?

13 A. It would be my third one in September,
14 I believe so.

15 Q. So, you had two so far since you left
16 the hospital?

17 A. Yeah. Correct.

18 Q. And is it fair to say that one was to
19 address the issue with the skin tearing?

20 A. Correct.

21 Q. And another was to revise it for the
22 purpose of the prosthetic; is that correct?

23 A. The bone was growing, and it was -- it
24 had a possibility of going through the skin. Okay.

25 Q. And was that what was creating the

1 Franklin Buono

2 situation with the blisters for you?

3 A. I'm not sure. Probably could have
4 been.

5 Q. So, lets see, which surgery happened
6 first, the one with the skin versus the bone --

7 A. Skin.

8 Q. -- I know that's a very elementary way
9 of describing it.

10 A. It's fine. The skin.

11 Q. Do you recall when that was?

12 A. No. It was in between getting the
13 prosthetic and coming out of the hospital. Is
14 probably like three months maybe, two months, two
15 months.

16 Q. So, before you got your first
17 prosthetic?

18 A. Yeah. It was probably shorter than two
19 months.

20 Q. Was it after the fixator came off that
21 the skin tore?

22 A. I think it was before.

23 Q. And who did that surgery with the skin?

24 A. Koch and Asprinio.

25 Q. Can you just describe in your own terms

1 Franklin Buono

2 what that surgery was, how you understood it?

3 A. They took out the dead skin and folded
4 some skin, and then put a vacuum cup on there and
5 it brought the skin forward and covered the hole
6 basically.

7 Q. After that surgery was done, did you
8 have any further issues with the skin tearing or
9 turning black or anything like that?

10 A. No.

11 Q. The other surgery that you had, which
12 involved the bone, do you recall when that was?

13 A. Probably a year and a half after.

14 Q. 2017?

15 A. Yeah.

16 Q. And, again, can you just describe what
17 your understanding is of that surgery?

18 A. They peeled the flap back, shaved the
19 bone down and sewed it back up.

20 Q. Now, after that second surgery, did you
21 get a new prosthetic?

22 A. Correct.

23 Q. And how often did you wear that new
24 prosthetic after the second surgery?

25 A. I don't remember. Not too much.

1 Franklin Buono

2 Q. Is there a reason why?

3 A. It was a totally new design, so it was
4 putting a lot of pressure on it and it was hurting
5 when I used it. Yeah.

6 Q. Did you resume physical therapy to help
7 with that situation when you got the new
8 prosthetic?

9 A. Yeah.

10 Q. Did the therapy help?

11 A. A little bit, yeah.

12 Q. Was that able to increase the amount of
13 time that you were wearing your prosthetic?

14 A. Yeah.

15 Q. And did there come a point where it
16 didn't hurt as much and you were able to wear it
17 more?

18 A. Yeah.

19 Q. So, I think at this point we've
20 discussed that you had, those would be two
21 prosthetics. Did the prosthetic change again?

22 A. I've had -- yeah. I believe so.

23 Q. So, a third one?

24 A. Yeah.

25 Q. So, you have had three in total?

1 Franklin Buono

2 A. Yeah.

3 Q. Do you recall when you received the
4 last one? I may have asked that. I'm sorry if I
5 did.

6 A. I think it was last summer.

7 Q. And that's the one you have now?

8 A. Correct.

9 Q. So, as you sit here right now, is your
10 prosthetic on?

11 A. No.

12 Q. How often do you use it today or now?

13 A. I try and use it every day.

14 Q. For how long?

15 A. I can't sit with it for very long. But
16 I can stand on it for about an hour.

17 Q. How far can you walk on it, if at all?

18 A. I don't know. Quarter of a mile, mile,
19 if I had to.

20 Q. Lets talk about some of those things
21 you needed assistance with when you got out of the
22 hospital, and as you were going through the change
23 in prosthetics. Are you now able to bathe for
24 yourself?

25 A. Yeah.

1 Franklin Buono

2 Q. Shower for yourself?

3 A. Yeah.

4 Q. Are you able to cook for yourself?

5 A. Yeah.

6 Q. Are you able to clean for yourself?

7 A. Yup.

8 Q. How about grocery shopping?

9 A. No.

10 Q. Are you able to carry things?

11 A. Lightly. Light weight.

12 Q. About how much can you carry without it
13 being an issue?

14 A. Probably like 15, 20 max.

15 Q. How about maintenance around the house,
16 who does that?

17 A. Her mom rents it so --

18 Q. Landlord takes care of it?

19 A. Yeah.

20 Q. So, on a typical day today, how do you
21 spend your days?

22 A. I just got a motorcycle, kind of. It's
23 a two wheel in the front one in the back,
24 automatic. I can use it and ride it. Video games,
25 T.V.

1 Franklin Buono

2 Q. The motorcycle, is that an adapted
3 motorcycle?

4 A. No. I just bought one that doesn't
5 require any adapting basically. I don't have to
6 balance it or worry about shifting or braking or
7 anything.

8 Q. Did you drive a car before getting that
9 motorcycle?

10 A. Yes.

11 Q. Do you still drive a car?

12 A. Yes.

13 Q. Is that an adaptive car?

14 A. Yes.

15 Q. Did you get a special license for that?

16 A. Technically, yes.

17 Q. Did you get it?

18 A. Yes, I got it.

19 Q. Did you get a special license to drive
20 the motorcycle?

21 A. Yes.

22 Q. Did you get that one?

23 A. Yes. They make you go through a test
24 for if you lose a limb. It's not like a, you know.
25 They have you drive around.

1 Franklin Buono

2 Q. And you did that?

3 A. Yeah.

4 Q. When did you do that?

5 A. Actually probably like a year and a
6 half after the accident, so 2017 at some time.

7 Q. Are you able to travel?

8 A. I haven't.

9 Q. Taken any trips any place?

10 A. No.

11 Q. There is a couple of things in your
12 medical history I would like to talk about briefly.
13 You have a prior history of IBS; is that right?

14 A. Yes.

15 Q. That's irritable bowel syndrome for the
16 record. Do you still have an issue with that?

17 A. Yes.

18 Q. Could you describe generally what those
19 symptoms?

20 A. Just acid, using the bathroom a lot.

21 Q. Anything else?

22 A. Discomfort.

23 Q. And I think those proyonics [sic], is
24 that how you said it?

25 A. Protonics.

1 Franklin Buono

2 Q. Sorry. Not looking at my notes. Is
3 that for that issue?

4 A. Yeah.

5 Q. When is it that that IBS started for
6 you before the accident?

7 A. When I was a kid.

8 Q. Were you treating for that at the time
9 of your accident?

10 A. I don't know. For a long time I was
11 treating it as a kid, and then I didn't for a
12 while.

13 Q. Do you know if you were on medication
14 for that at the time of the accident?

15 A. I was probably taking Zantac.

16 Q. Did you have any sort of dietary
17 restrictions or anything like that?

18 A. No.

19 Q. You also have history of depression; is
20 that right?

21 A. Yes.

22 Q. When did that begin for you?

23 A. When I was a kid.

24 Q. Can you tell me, generally, what the
25 symptoms were before the accident?

1 Franklin Buono

2 A. Before the accident, when I was a kid?

3 Q. Um-hmm. Yes.

4 A. Sadness, alone.

5 Q. Did you have anxiety?

6 A. No.

7 Q. Did you have difficulty sleeping?

8 A. No.

9 Q. Did you have any difficulty with your
10 ability to concentrate or focus?

11 A. A little bit.

12 Q. How about difficulty motivating
13 yourself?

14 A. No.

15 Q. Did you ever see any psychiatrist or
16 psychologist for your depression before the
17 accident?

18 A. Yes.

19 Q. Who did you see?

20 A. I do not remember.

21 Q. Do you remember where they were?

22 A. No.

23 Q. Did you see any type of talk therapist
24 or therapist for your depression before the
25 accident?

1 Franklin Buono

2 A. Yes.

3 Q. Who was that?

4 A. I don't remember his name. He's in
5 Middletown.

6 Q. Would you have any sort of records at
7 home that would identify the names of any of those
8 doctors --

9 A. I don't think so.

10 Q. -- or therapists?

11 A. No.

12 Q. Can you recall the last time you saw
13 either a psychologist or psychiatrist for the
14 treatment of your depression before the accident?

15 A. Probably like a year or two.

16 Q. How about the last time that you
17 attended any type of therapy before the accident?

18 A. I don't remember.

19 Q. I'm sorry I have to ask about this, but
20 you did have an incident in which you did try to
21 commit suicide; is that correct?

22 A. Yeah.

23 Q. Following that, you voluntarily
24 admitted yourself for treatment; is that right?

25 A. Yeah.

1 Franklin Buono

2 Q. And how long were you in the hospital
3 after that voluntary admission?

4 A. Five days.

5 Q. Where did you go?

6 A. The one in Middletown, I can't remember
7 the name of it now. It was voluntary and
8 involuntary kind of. Like I didn't sign myself in,
9 but I wasn't like -- it's a New York thing.

10 Q. Okay.

11 Did you have to go through any type of
12 court proceeding?

13 A. No. They can hold you for five days or
14 something if you try and commit suicide, and they
15 don't need a court order. But it's only if you
16 like completely refuse it do they have to get a
17 court order.

18 Q. Understood. And once those days are
19 up --

20 A. Yeah.

21 Q. -- and then you can voluntarily leave?

22 A. Yeah.

23 Q. And that's what you did?

24 A. Yeah.

25 Q. Did the doctors at the hospital or

1 Franklin Buono

2 anyone at the hospital give you any sort of post
3 hospitalization care plan?

4 A. I don't remember.

5 Q. Did they give you any recommendations
6 for seeing a psychiatrist or psychologist, therapy,
7 anything like that?

8 A. I don't remember.

9 Q. Did they prescribe you any sort of
10 medication when you left the hospital?

11 A. I was an antidepressant.

12 Q. Did you take that?

13 A. Yeah.

14 Q. What did you take, do you remember?

15 A. I don't remember.

16 Q. It was prescribed?

17 A. Yes.

18 Q. Was that at Baxter's Pharmacy or
19 someplace else?

20 A. It probably would have been Baxter's.

21 Q. How often did you take that?

22 A. I don't remember.

23 Q. For how long did you take that after
24 you got out of the five-day hospital stay?

25 A. Probably like two or three years.

1 Franklin Buono

2 Q. Why did you stop?

3 A. I felt good.

4 Q. Were you seeing a doctor at the time
5 that you stopped taking the medication?

6 A. I believe so.

7 Q. For the depression I mean?

8 A. Yeah.

9 Q. And did the doctor agree with the
10 decision to stop taking the medication?

11 A. I believe so.

12 Q. And you don't recall the name of that
13 doctor?

14 A. No.

15 Q. When you stopped taking the medication
16 is that also when you stopped seeing a doctor or
17 did you keep seeing the doctor?

18 A. I don't remember.

19 Q. Do you know when was the last time
20 before the date of the accident that you had taken
21 the antidepressants that had been prescribed for
22 your depression?

23 A. I don't remember.

24 Q. Was it within weeks?

25 A. No.

1 Franklin Buono

2 Q. Was it within months?

3 A. Might have been a year or two.

4 Q. At the time of the accident were there
5 any types of medications that you had been
6 prescribed that you were not taking?

7 A. No.

8 Q. Now, as a result of this incident
9 you're claiming that you have PTSD; is that
10 correct?

11 A. Correct.

12 Q. Are you on medication for the PTSD now?

13 A. Yes.

14 Q. What are you on for that?

15 A. Lexapro.

16 Q. That's the Lexapro?

17 A. Yup.

18 Q. Has anything besides the Lexapro been
19 suggested or prescribed to you?

20 A. No.

21 Q. Now, how would you describe your
22 symptoms now of PTSD that you have?

23 A. I still get flashbacks and still can't
24 sleep. I have a lot of anxiety.

25 Q. How often do you have flashbacks?

1 Franklin Buono

2 A. Maybe once or twice a week.

3 Q. How do those flashbacks affect you?

4 A. I don't sleep sometimes.

5 Q. So, is it fair to say that you cannot
6 sleep one to two times a week as well?

7 A. Yeah.

8 Q. And the anxiety, is there a symptom of
9 that anxiety that you can describe?

10 A. Face tingling, shortness of breath.

11 Q. Anything else?

12 A. Not that I can think of right now.

13 Q. About how often does that happen?

14 A. About once or twice a week.

15 Q. I believe you said you're still seeing
16 Dr. Rubin; is that correct?

17 A. Correct.

18 Q. How often do you see him?

19 A. I was seeing him every other week for a
20 little bit. I didn't go for like three months, but
21 I started going again.

22 Q. When did you start that?

23 A. Two weeks ago.

24 Q. When is your next appointment?

25 A. July 30.

1 Franklin Buono

2 MR. FROMSON: I missed the doctor's
3 name.

4 MS. FAPPIANO: Dr. Rubin.

5 MR. FROMSON: Thanks.

6 Q. Now, those symptoms of your PTSD that
7 you just described to me, how does that compare to
8 what your symptoms were a year ago when you were
9 last deposed; better, worse, the same or something
10 different?

11 A. It's a little better.

12 Q. So, think I started on this and I may
13 have gotten off track. So, give me one moment.
14 So, we started talking about your motorcycle and
15 that you still play video games and watch T.V.
16 during the day. Are you able to use a computer?

17 A. Yeah.

18 Q. Have a computer?

19 A. Yeah.

20 Q. What do you do on the computer?

21 A. Play games.

22 Q. Do you walk on any regular basis, like
23 for exercise or just to get out of the house?

24 A. No.

25 Q. Do you do any type of exercise?

1 Franklin Buono

2 A. Yeah.

3 Q. What do you do?

4 A. I have a machine.

5 Q. What kind of machine?

6 A. It's like a Bow Flex, but not. Like a
7 Total Gym.

8 Q. That's in your home?

9 A. Yeah.

10 Q. How often do you do that?

11 A. Twice a week.

12 Q. Do you have any other types of hobbies
13 that you engage in now?

14 A. Not really.

15 Q. Do you read?

16 A. Yeah. Actually yeah.

17 Q. Read books?

18 A. Yeah.

19 Q. Do you write at all?

20 A. No.

21 Q. Keep a journal?

22 A. No.

23 Q. What kinds of things do you do outside
24 the house, if anything, at this point besides the
25 motorcycle and the driving?

1 Franklin Buono

2 A. I go out with my girlfriend. We go to
3 -- we went to a movie, two movies. We go out to
4 dinner every once in a while.

5 Q. Anything else?

6 A. Take the dogs to the park every once in
7 a while.

8 Q. You have how many dogs?

9 A. Two.

10 Q. Still two chihuahuas, I think that's
11 what it was last time?

12 A. Yeah.

13 Q. Just proof that I read it before I came
14 here.

15 And are you able to walk the dogs with
16 your girlfriend?

17 A. Yeah.

18 Q. How many times a day do you walk them?

19 A. Oh, I let them out twice a day.

20 Q. You take them to the park as well?

21 A. Not twice a day.

22 Q. How often do you do that?

23 A. I've only done it twice recently.

24 Q. Lets just talk briefly about what your
25 lifestyle was before the accident. Are there

1 Franklin Buono

2 things that you cannot do now that you did on a
3 regular basis before the accident and apart from
4 working?

5 A. Rollerblading, bike riding. Go out to
6 the woods a lot with some friends. I like bowling,
7 go once or twice a month. I just generally went
8 out a lot more.

9 Q. How often would you roller blade?

10 A. Twice a month.

11 Q. And you haven't done that since;
12 correct?

13 A. Correct.

14 Q. And how often would you go bike riding?

15 A. Twice a month.

16 Q. And you haven't done that at all?

17 A. Correct.

18 Q. Have you looked into whether you can
19 get an adaptive bike or something like that?

20 A. Yeah. I decided to go with the
21 motorcycle. They make some fancy bikes now.

22 Q. What would you do when you went out
23 into the woods?

24 A. We would go shooting in the woods. We
25 camped.

1 Franklin Buono

2 Q. How often would you do that before the
3 accident?

4 A. Like once a month.

5 Q. Have you done that at all since the
6 accident?

7 A. Actually shot a shotgun on crutches,
8 good time.

9 Q. How many times were you able to do
10 that?

11 A. I haven't done it since.

12 Q. Is there any reason why you think you
13 couldn't do that now?

14 A. I could.

15 Q. How about, you did tell me you would go
16 bowling once or twice a month before; is that
17 right?

18 A. Yeah.

19 Q. Have you attempted to do that since the
20 accident?

21 A. I did.

22 Q. How did that go?

23 A. A lot of blisters.

24 Q. How long ago was that?

25 A. Year ago.

1 Franklin Buono

2 Q. Was that with the same prosthetic you
3 have now?

4 A. I believe so. No. No. No. It was
5 not.

6 Q. With the old prosthetic?

7 A. Yeah.

8 Q. Since the accident happened, have you
9 spoken to anyone at Oprandy's who was an employee
10 there?

11 A. No.

12 Q. Have you spoken to Brian Scott since
13 the accident occurred?

14 A. No.

15 Q. How about Patricia Scott?

16 A. No.

17 Q. And I'm aware that Chris has passed
18 away?

19 A. Yeah.

20 Q. Do you know how it is that he passed
21 away, what was the reason for his death?

22 A. I do not.

23 Q. Did you ever speak to any of his family
24 about that since you were deposed?

25 A. No.

1 Franklin Buono

2 Q. Did you go to the funeral or the wake?

3 A. No.

4 Q. Do you know his family at all?

5 A. No.

6 Q. Before coming here today, besides your
7 attorney, did you speak to anyone about what you
8 were going to testify to today?

9 A. No.

10 Q. Speak to your girlfriend about it?

11 A. Yeah.

12 Q. What did you talk about?

13 A. I didn't know what I would be
14 testifying for. Like I didn't know what you would
15 be asking, so it's --

16 Q. All right.

17 Before you came here today did you read
18 the transcript of your last deposition?

19 A. Yes.

20 Q. When did you do that?

21 A. Over the weekend.

22 Q. Is there anything in that testimony,
23 having just read it over the weekend, that you wish
24 to change at this point?

25 A. No.

1 Franklin Buono

2 Q. Before coming here to testify today,
3 besides that transcript, did you look at any other
4 documents?

5 A. No.

6 MS. FAPPIANO: I'm going to take a
7 break. I think I'm pretty well done. I
8 could use a restroom and just time to
9 review my notes. Maybe I will let you go
10 and then I will come back.

11 (A break was taken.)

12 EXAMINATION BY

13 MS. BALTZELL:

14 Q. Good morning.

15 A. Good morning.

16 Q. My name is Sarah Baltzell, and I am
17 counsel for Tyco Fire Products. And it's always
18 hard going second because part of the questions I
19 was maybe thinking about asking you might have
20 already been asked. So, I might start those and
21 then realize we talked about that and skip over.
22 So I might be a little harder to follow, if so just
23 let me know --

24 A. Okay.

25 Q. -- because I do want to make sure that

1 Franklin Buono

2 any question I ask of you, you fully understand and
3 that when you give your answer it's an answer back
4 to my question that you understood. Makes sense?

5 A. Makes sense. Thank you.

6 Q. I'm going to try not to ask you the
7 same questions as well, and I will do my best.

8 I remember correctly, I think you
9 believe you said that you have a surgery coming up
10 in September?

11 A. Yes.

12 Q. Other than that September surgery, do
13 you have any other planned surgeries or procedures
14 that you know of that are on the horizon for you?

15 A. No.

16 Q. Any other surgeries or procedures that
17 you anticipate you may need in the future because a
18 medical professional has told you that might be on
19 the horizon as well?

20 A. I think I've been told I might need
21 some things, but I don't remember. I process a
22 couple of things.

23 Q. Do you remember were his comments in
24 terms of new prosthesis that you might need or more
25 in terms of medical procedures?

1 Franklin Buono

2 A. New prosthesis and stuff like that.

3 Q. Any other medical procedures that you
4 can recall someone mentioning that you might need
5 in the future other than that September surgery?

6 A. I don't think so.

7 Q. Did you drive here today?

8 A. No. My girlfriend did.

9 Q. How frequently do you drive?

10 A. Like once a day now, trying to.

11 Q. Is that your car or your motorcycle?

12 A. Both. If its not one its the other.

13 Q. Where do you drive?

14 A. I have been going to get food, say high
15 to my dad at work sometimes. That's about it.

16 Q. What is the longest distance that you
17 can recall driving recently?

18 A. Twenty, 30 minutes.

19 Q. Where was that too, if you recall?

20 A. My one friend's house, it's about 20
21 minutes away.

22 Q. It sounds like you and Emily are still
23 together?

24 A. Yup.

25 Q. How long have you been together?

1 Franklin Buono

2 A. Almost five years.

3 Q. How would you describe, just generally,
4 your relationship with Emily right now?

5 A. It's good. Good.

6 Q. Good?

7 A. Yeah.

8 Q. At least in your mind there will be a
9 continued relationship --

10 A. Yup.

11 Q. -- with Emily?

12 A. Yup.

13 Q. Lets look at some documents. I will
14 get my piles ready. And so Oprandy's was asked in
15 this case to provide some documents as part of the
16 litigation. And one of the things that they were
17 asked to provide was a copy of your employment
18 file --

19 A. Okay.

20 Q. -- at the office.

21 MS. BALTZELL: And we are continuing
22 numbering, aren't we?

23 MR. FROMSON: Do whatever you want.
24 It doesn't matter.

25 MS. FAPPIANO: Lets start over if we

1 Franklin Buono

2 can, unless someone knows where we're at.

3 MR. FROMSON: I don't.

4 MS. BALTZELL: Okay.

5 MS. FAPPIANO: I could look it up.

6 MR. FROMSON: You could start it over
7 because if the case ever does go to trial
8 you have to re number them again anyway.

9 (Defendants' Exhibit Number 1,
10 Employment file, was marked for
11 identification.)

12 Q. All right. So this is Defendants'
13 Exhibit 1. And feel free and browse through the
14 document. This was provided to us by Oprandy's as
15 your employment file. And my first question for
16 you is, was there ever a reason for you to ask to
17 see a copy of your employment file while you were
18 with Oprandy's?

19 A. No.

20 Q. Have you ever seen a copy of your
21 employment file before I just handed it to you
22 today?

23 A. No.

24 Q. Were you aware you had an employment
25 file?

1 Franklin Buono

2 A. No.

3 Q. As you are looking through that
4 document, there are, they're called bates numbers.
5 There the little numbers down on the bottom right-
6 hand corner of the document. Most start with the
7 carrot and say Oprandy and have the numbers. Do
8 you see that?

9 A. Sure.

10 Q. If you go with me to the one that ends
11 in 779, you can maybe --

12 A. Sure.

13 Q. My guess is you never seen this letter
14 before, does that sound right?

15 A. Correct.

16 Q. And if we're just kind of browsing
17 through the letter, it looks to be --

18 MS. FAPPIANO: I have a copy so I will
19 just try to find the similar --

20 MS. BALTZELL: You are welcome to look
21 over my shoulder too.

22 MS. FAPPIANO: Thank you.

23 Q. If we are looking at this letter, it
24 appears to be a letter sent by Oprandy's. It's an
25 Oprandy's letterhead signed by Brian Scott and it's

1 Franklin Buono

2 to some counsellors at law, so, some lawyers,
3 Hardin, Kundla, McKeon & Poletto. Do you see that?

4 MR. FROMSON: Do you see this?

5 A. Yes.

6 Q. Are you familiar with that law firm?

7 A. No.

8 Q. If we look down, there is three bullet
9 points there on the top?

10 A. Yup.

11 Q. One says job description?

12 A. Yup.

13 Q. It says shop worker in training. Is
14 that how you would describe your job description at
15 the time of the incident?

16 A. Yup.

17 Q. And given that you were kind of in
18 training at the time of the incident, had there
19 been a discussion with you when you were hired as
20 to how long that training period would last?

21 MR. FROMSON: Note my objection to
22 form.

23 A. I don't remember.

24 Q. Did you have an understanding at the
25 time of the incident, as to when your training

1 Franklin Buono

2 would end and you would just be a shop worker as
3 opposed to a shop worker in training?

4 A. I don't remember.

5 Q. What do you recall your training to
6 have been at Oprandy's with respect to your new
7 position?

8 MR. FROMSON: Note my objection as to
9 the form. And it was asked and answered by
10 counsel for this defense at his previous
11 deposition. Go ahead and answer again.

12 A. Can you repeat that. Sorry.

13 Q. Can you describe the training that you
14 were receiving at Oprandy's at the time of the
15 incident when you were a shop worker in training?

16 MR. FROMSON: Note my objection.

17 A. I don't really remember.

18 Q. I think you mentioned earlier today
19 that you had reviewed your deposition transcript --

20 A. Correct.

21 Q. -- from your prior deposition --

22 A. Correct.

23 Q. -- before coming today?

24 A. Yup.

25 Q. And I believe your recollection was

1 Franklin Buono

2 that you had read the questions and the answers,
3 and that you still agreed with the answers that you
4 had given to all of those questions; is that
5 correct?

6 A. Correct.

7 Q. So, if I were to ask you the same
8 questions today, which I'm going to try not to do,
9 would your answers be the same to the best of your
10 recollection today --

11 A. Yes.

12 Q. -- as they were then?

13 A. Correct.

14 Q. If you can go down a little further, do
15 you see where it says training did not include?

16 A. Yeah.

17 Q. And then go down that second bullet
18 point?

19 A. Yup.

20 Q. And it says that the training did not
21 include machine work of any kind. You would agree
22 with that statement; right?

23 A. Correct.

24 Q. And then it goes on to say -- can you
25 pronounce your last name for me?

1 Franklin Buono

2 A. Buono.

3 Q. Buono.

4 And then it goes on to say Frank Buono
5 was not filling the air tank that exploded. Would
6 you agree with that statement, that at the time of
7 the incident you were not the individual filling
8 the tank at the time it exploded?

9 A. Correct.

10 Q. And then the next sentence says, he was
11 not supposed to be in the filling room where the
12 accident took place. Do you disagree with that
13 statement?

14 A. Correct.

15 Q. Tell me why you disagree with that
16 statement?

17 A. I was never told not to be back there.
18 I normally went back there to grab fire
19 extinguishers and move them around.

20 Q. Did you have an understanding that you
21 were supposed to be in the filling room when the
22 incident took place?

23 A. Correct.

24 Q. Why is that?

25 A. I was asked --

1 Franklin Buono

2 MR. FROMSON: Hold on. Objection to
3 the extent it was asked and answered. Go
4 ahead.

5 A. I was asked to fill the tank by Brian.

6 Q. When you were asked to fill the tank by
7 Brian -- by Mr. Scott, why did you not just go back
8 in that back room and start filling the tank
9 yourself?

10 A. Because I didn't know how to.

11 Q. Had you been provided any training on
12 how to fill a tank with compressed air?

13 A. No.

14 Q. When Mr. Scott asked you to fill the
15 tank with compressed air, at that time did you feel
16 like you had been providing the training you needed
17 to do the task you had been asked to do?

18 A. Looking back on it or right then and
19 there?

20 Q. Either.

21 A. Looking back, no. Then I don't think
22 it went through my mind. I just went and asked
23 Chris how to do it. Because if I didn't know how
24 to do something I asked Chris and he showed me.

25 Q. So, at the time you were asked it

1 Franklin Buono

2 sounds like you thought to yourself that that
3 wasn't a task you could complete by yourself?

4 A. Correct.

5 Q. And is part of the reason you thought
6 you couldn't complete that task by yourself because
7 you hadn't been provided any training at Oprandy's
8 on how to fill tanks with compressed air?

9 A. Correct.

10 Q. If you can go a few pages in your
11 packet, please, to the page that ends with 785 on
12 the bottom right-hand corner?

13 A. Okay.

14 Q. Do you see that?

15 A. Yup.

16 Q. This document is, I guess, lets turn it
17 on the back too. So it looks to be just the first
18 page and then maybe the last page of an employee
19 hand book. And there is a signature on the back on
20 the second page. Is that your signature there?

21 A. I don't think so.

22 Q. You don't think so.

23 Does your signature look anything like
24 what we're looking at right now on page 786?

25 A. That looks like a P. I don't think

1 Franklin Buono

2 that's my signature at all. That's not my
3 signature.

4 Q. If you turn to -- keep going a few more
5 pages on in, and this time we're at the document
6 that says Oprandy's 792. Let me know when you get
7 there. It says power of attorney on the top page.
8 Is your signature on this document?

9 A. Yes.

10 Q. Is that your signature on this
11 document?

12 A. Yes.

13 Q. Do you recall signing this power of
14 attorney that is stamped 792 at the bottom?

15 A. Yes.

16 Q. Lets go back to 780 -- excuse me,
17 document that ends in 786 that has his signature on
18 it and is entitled employee handbook. Do you
19 recall receiving an employee handbook at any time
20 during your employment with Oprandy's?

21 A. I don't remember.

22 Q. Do you recall signing an employee
23 handbook acknowledgment at any time during your
24 employment with Oprandy's?

25 A. I don't remember.

1 Franklin Buono

2 Q. If you turn to the next page that ends
3 in 787?

4 A. Yup.

5 Q. Okay. And that one is called a hazard
6 communication program. It has your name at the top
7 of the page. Do you see that?

8 A. Yup.

9 Q. Do you recall receiving a document
10 during your employment with Oprandy's entitled
11 hazard communication program?

12 A. No.

13 Q. Do you recall receiving any written
14 materials from Oprandy's or Oprandy's employees
15 about safety or handbooks or anything like that
16 during your employment time at Oprandy's?

17 A. I don't remember.

18 Q. Do you remember your first day at work
19 at Oprandy's?

20 A. No.

21 Q. You don't remember your first day at
22 work at Oprandy's?

23 A. No.

24 MR. FROMSON: Objection. Asked and
25 answered.

1 Franklin Buono

2 A. No.

3 Q. So, if I were to ask you what happened
4 when you came in on your first day at work, what
5 you did, do you have any recollection at all of
6 what you did the first day of your job at
7 Oprandy's?

8 A. I probably watched Chris how to fill
9 and take apart the fire extinguishers.

10 Q. Do you remember whether or not Chris
11 handed you any documents or handbooks?

12 A. No.

13 MR. FROMSON: Objection as to form.
14 You can answer.

15 MS. FAPPIANO: I join in that
16 objection.

17 MR. FROMSON: Did you get the answer?

18 THE REPORTER: He said no.

19 A. That's not my signature.

20 Q. So, lets look at the signature then on
21 page what's the bottom of the page 786?

22 A. Um-hmm.

23 Q. And I think you just said that's not my
24 signature?

25 A. Yeah.

1 Franklin Buono

2 Q. You seem pretty sure that's not your
3 signature; is that right?

4 A. Yup.

5 Q. Why is that?

6 A. Because when I start F's it starts up
7 top not from the bottom, not to mention this looks
8 like a P not even a B. It's not an attempt. I
9 always do my B's and then hook to everything else,
10 most of the time at least. But this isn't -- an F
11 wouldn't start from the bottom.

12 Q. Do you know if the date below
13 that 1/19/16 --

14 MR. FROMSON: Hold on. Let her finish
15 the question.

16 Q. -- is the date when you first started
17 working at Oprandy's?

18 A. I don't. No.

19 Q. Do you know if you were working at
20 Oprandy's on January 19 of 2016?

21 A. I don't remember.

22 Q. I'm not sure if I actually asked this
23 particular question, but do you remember at any
24 time during your employment with Oprandy's signing
25 any employment-type documents like tax forms or

1 Franklin Buono

2 just anything when you started?

3 MR. FROMSON: I'm just going to object
4 as to form. It is overbroad. You can
5 answer.

6 MS. FAPPIANO: I will join that
7 objection.

8 A. I don't remember.

9 Q. So, you just don't remember signing of
10 any paper work?

11 A. I don't think so.

12 Q. Is it fair to say then if I were to ask
13 if you remember reading an employee handbook your
14 answer would be no?

15 A. I don't remember even getting one.

16 MS. FAPPIANO: Objection. Asked and
17 answered.

18 MR. FROMSON: Join in the objection.

19 Q. Same thing on the hazards
20 communications program, do you remember?

21 MS. FAPPIANO: Same objection.

22 MR. FROMSON: Same objection.

23 A. Don't remember.

24 Q. Do you remember any discussion with
25 anyone at Oprandy's regarding a hazard

1 Franklin Buono

2 communication program?

3 A. No.

4 Q. Were you aware before today whether or
5 not Oprandy's had a hazard communication program in
6 place at the time you were employed there?

7 A. No.

8 Q. Were you aware whether or not Oprandy's
9 had an employee handbook in place before today at
10 the time when you were employed with Oprandy's?

11 A. I don't remember.

12 Q. Are you aware that OSHA conducted an
13 investigation into the incident that occurred at
14 Oprandy's?

15 A. Yes.

16 Q. Did you give any statements to anyone
17 at OSHA about the incident?

18 A. I believe so, yes.

19 Q. Do you know whether anyone else also
20 gave statements to OSHA about the incident?

21 A. I do not.

22 Q. Have you ever seen transcribed and read
23 the statement that you gave to OSHA?

24 A. Yes.

25 Q. When was the last time you looked at

1 Franklin Buono

2 the statement you gave to OSHA?

3 A. Last deposition probably.

4 Q. Do you recall if you had an opportunity
5 to read through your statement during the last
6 deposition?

7 A. I do not recall.

8 Q. So, if I were to ask the question
9 whether everything -- whether your statement to
10 OSHA remains accurate to the best of your
11 recollection, would you need to see the statement
12 again in order to be able to do that?

13 A. No. From what I said, that's -- yeah.

14 Q. So, sitting here today, is it your
15 understanding all of the statements you provided to
16 OSHA are true and correct and accurate?

17 A. Yeah.

18 Q. I will show you a copy, we don't have
19 to mark it as an exhibit. Just so you have it?

20 MS. FAPPIANO: It was previously
21 marked which I have those.

22 MS. BALTZELL: It's hard to read so
23 that's the only reason.

24 MS. FAPPIANO: Just for identification
25 purposes.

1 Franklin Buono

2 MS. BALTZELL: It was previously
3 marked as an Exhibit at the deposition on
4 April 30, 2018 and it was Exhibit 1.

5 MS. FAPPIANO: Exhibit 1, Defendant's
6 Exhibit 1 then.

7 Q. I'm going to let you see a better copy
8 because that one is hard to read, but this was
9 previously marked as Defendants' Exhibit 1 at your
10 last deposition. Make sure I gave you the right
11 document. I did. So, that is your statement to
12 OSHA.

13 A. Okay.

14 Q. And I just wanted you to have it
15 because I'm going to ask you some questions, so I
16 wanted you to have it available. And this one has
17 little numbers on it too as well at the bottom.
18 And I'm looking at page, it says Oprandy 50 in the
19 bottom right-hand corner. Let me know when you're
20 there.

21 At the very last paragraph there second
22 line down in that last paragraph, it says, the
23 owner handed me the air tank to fill and Chris
24 brought me to the back room to fill it?

25 A. Yup.

1 Franklin Buono

2 Q. Was it your understanding that when the
3 tank was handed to you that you were being
4 instructed to fill it yourself?

5 A. Yes.

6 Q. Why was that your understanding at the
7 time that you were being asked to fill it yourself?

8 MR. FROMSON: Hold on one second.

9 Bear with me one minute.

10 MS. BALTZELL: Do you want my copy?

11 MR. FROMSON: No. I'm not questioning
12 the copy. I'm objecting as to form to the
13 extent it may have already been asked and
14 answered a few minutes earlier when you
15 asked him about his presence in the back
16 room and what he was asked to do. But over
17 my objection go ahead and answer the
18 question.

19 A. I don't know what Brian was thinking or
20 his intent.

21 Q. I believe you said you thought you felt
22 that you were being handed the tank because you
23 were being asked to fill it; is that right?

24 MR. FROMSON: Objection as to form.

25 You can answer.

1 Franklin Buono

2 A. I guess.

3 Q. So, to the extent I believe you
4 testified today and last time, that you thought you
5 were supposed to fill the tank, to the extent
6 that's correct, and if it's not please correct me,
7 but if it is correct, what made you think you were
8 supposed to go fill the tank?

9 MR. FROMSON: Objection as to form, to
10 the extent it was asked and answered.

11 A. I'm confused. I felt like I was
12 supposed to fill the tank and I didn't know how to
13 fill the tank, and I asked Chris.

14 Q. And that's my question right there.
15 Why did you feel that you were supposed to fill the
16 tank, what made you feel that way?

17 A. Because --

18 MR. FROMSON: Hold on. Objection as
19 it's been asked and answered. Go ahead.

20 A. Brian asked me to.

21 Q. So, I just want to make sure I'm clear
22 in my mind. It's your recollection that Brian
23 specifically asked you to go fill the tank with the
24 compressed air?

25 A. Yes.

1 Franklin Buono

2 Q. The very last sentence on the page
3 we're looking at, and then it continues onto the
4 next page, starts Chris went to the front room and
5 grabbed the long metal piece with the valve that I
6 just described and hooked that up to it. Do you
7 see that?

8 A. Yup.

9 Q. Do you remember what the -- what
10 exactly it was that Chris went and grabbed?

11 A. I do not remember.

12 Q. Do you have an understanding of when
13 you were speaking with OSHA, whether you could
14 still, at that time, remember what was -- what he
15 grabbed and you since forgotten, or do you think
16 you didn't remember then and you still don't
17 remember now exactly what he went and got from that
18 room?

19 MS. FAPPIANO: Objection to the form.

20 A. Can you repeat that?

21 Q. Yeah.

22 When you gave your statement to OSHA,
23 do you recall if, at that point in time, you knew
24 what Chris went and grabbed from the other room?

25 A. I don't remember.

1 Franklin Buono

2 Q. If we keep on reading, do you see the
3 sentence that says, to turn on the air Chris did
4 something on the Poseidon air tank?

5 A. Yeah.

6 Q. I think he turned a valve. Do you see
7 that?

8 A. Yes.

9 Q. Can you describe that a little bit more
10 for us, what you recall what's explained in these
11 two sentences?

12 A. That's as much as I remember.

13 Q. Is the valve that Chris turned, was
14 that part of the Poseidon system?

15 A. I really don't remember.

16 Q. If we keep going down, skip the next
17 sentence, then the next one starts, there are three
18 tanks on the Poseidon and Chris thought maybe one
19 tank as empty and that's why it wasn't filling, so
20 we tried another tank. Is that consistent with
21 your recollection today?

22 A. I believe so.

23 Q. Do you know why it is that you felt
24 that maybe one of the tanks wasn't emptying?

25 A. Chris thought -- from what I'm reading,

1 Franklin Buono

2 I --

3 Q. Do you know why you felt that that was
4 Chris's impression?

5 A. He must have verbally said it or
6 something. I really don't remember.

7 Q. But nothing you remember today that
8 would suggest that that's not an accurate
9 statement?

10 A. It's the same. This is how I --

11 Q. That's still your memory today?

12 A. Yeah.

13 Q. And that's still your thoughts today,
14 that Chris thought one of the tanks might be empty
15 so you tried another tank?

16 A. I don't remember. This is -- this was
17 a long time ago.

18 Q. But nothing to suggest --

19 A. It's different.

20 Q. -- that that's incorrect or inaccurate;
21 correct?

22 A. Correct.

23 Q. Have you personally formed any opinions
24 as to why you think the accident occurred that day?

25 MR. FROMSON: Objection as to form.

1 Franklin Buono

2 A. No. I know -- it was preventable, but
3 another than that.

4 Q. There has been some testimony given in
5 this case, and I think it was Mr. Scott, that
6 immediately after the incident occurred all of the
7 first responders were coming, Chris may have
8 mentioned to one of the, I think, officials with
9 the fire department who was there on scene, that
10 the regulator was open full-bore. Do you recall
11 him saying that at the time of the incident?

12 A. No.

13 Q. And is it, am I remembering your
14 testimony from today correct, that because of the
15 blast you had some ringing in your ears --

16 A. Correct.

17 Q. -- immediately after the incident?

18 A. Correct.

19 Q. And you couldn't hear at that time --

20 A. Correct.

21 Q. -- because of the ringing in your ears
22 unless something was very close and right beside
23 you?

24 A. Correct.

25 Q. Did you have any text message

1 Franklin Buono

2 conversations with Chris after the incident?

3 A. Yeah. I wished him better. We wished
4 each other better.

5 Q. Do you remember having any phone
6 conversations with Chris after the incident as
7 well?

8 A. No.

9 Q. Did you ever see him in person after
10 the incident?

11 A. No.

12 Q. Same questions about anyone with
13 Oprandy's, Mr. And Mrs. Scott. Do you remember any
14 text messages with them after the incident?

15 A. No.

16 Q. Phone calls?

17 A. No.

18 Q. In person meetings?

19 A. No.

20 Q. Do you recall Chris blocking your text
21 messages recently after the incident occurred?

22 A. No.

23 Q. Did you ever try and send Chris a text
24 message and it wouldn't go through?

25 A. No.

1 Franklin Buono

2 Q. When was the last time you text
3 messaged Chris?

4 A. In the hospital.

5 Q. Did you ever receive a text message
6 from Chris asking him not to send you anymore
7 messages?

8 A. No.

9 Q. And this is -- Mrs. Scott provided us a
10 notebook. It's been marked in this case as
11 Defendants' Exhibit 21. And it's my understanding
12 that she kept a notebook after this incident and
13 would record things in it. And there is a
14 statement in her notebook, we can mark it if there
15 is a request to again, but it says Frank -- this is
16 from Chris, Frank is harassing me, calling my
17 phone, demanding to know what kind of tank, what I
18 was doing, what was the name of tank. Chris said I
19 have blocked his phone number. I won't speak to
20 him anymore.

21 A. That's false.

22 Q. Do you recall any of the events that I
23 just read as being things that you remember
24 occurring?

25 A. No.

1 Franklin Buono

2 MS. FAPPIANO: Note my objection. We
3 have no idea what his knowledge is of this
4 notebook, this has never been --

5 MR. FROMSON: Objection as to form.

6 MS. FAPPIANO: -- authenticated or
7 anything like that.

8 MR. FROMSON: Objection as to form.

9 MS. FAPPIANO: Yes.

10 Q. To your recollection, did you call
11 Chris on the phone at any point in time after the
12 accident from the accident to today?

13 A. No. Maybe once in the hospital to wish
14 he was better. But I don't remember.

15 Q. Other than maybe wishing him better --

16 A. No.

17 Q. -- in the hospital, no other phone
18 calls that you remember?

19 A. No.

20 Q. If someone had stated that you were
21 harassing Chris, would you agree or disagree with
22 that statement?

23 A. I would disagree.

24 Q. Do you recall sending a text message on
25 February 16 to Chris that says Brian is trying to

1 Franklin Buono

2 screw us, we need to get him?

3 A. No.

4 Q. Does that sound like the kind of text
5 message you would send?

6 A. Don't remember.

7 Q. Don't remember is a little bit
8 different than I don't know. So, if I were to ask
9 do you recall -- let me say this, do you know if
10 you sent a text message on February 16 to Chris
11 that said Brian is trying to screw us?

12 A. I don't remember.

13 Q. That's possible you did or you just
14 don't remember, or you are pretty sure you didn't?

15 A. I don't remember.

16 Q. Is it possible that you did?

17 MR. FROMSON: Objection as to form.

18 Asked and answered three times.

19 A. I don't remember.

20 Q. Would you agree with the statement in
21 terms of this incident that Brian is trying to
22 screw us?

23 A. No.

24 Q. That's not a sentiment that you hold;
25 correct?

1 Franklin Buono

2 A. No.

3 Q. While working at Oprandy's, is it
4 correct that you were trained on-the-job training
5 by Chris as to how to recharge fire extinguishers?

6 A. Yes.

7 Q. When you were filling extinguishers, is
8 it a correct statement that you were trained to
9 fill them by air to determine whether or not air
10 was going in?

11 A. I don't remember.

12 Q. Do you recall sitting here today any of
13 the training that you received on --

14 A. Minimally.

15 Q. What do you recall?

16 A. Taking them apart a little bit. Taking
17 the tops off. That's about it.

18 Q. Do you recall anything about filling
19 the tanks with either air or agent?

20 A. Yeah.

21 Q. What do you recall?

22 A. Putting air into them and releasing the
23 agent into a canister, like a thing to catch all of
24 the dust.

25 Q. Were you trained on how to put that air

1 Franklin Buono

2 in the tank?

3 A. Yeah.

4 Q. Tell me about that?

5 A. I don't remember. I just know he
6 showed me.

7 Q. Do you recall him showing you that one
8 way to do that was to listen by ear as to whether
9 there was air flowing into the tank?

10 A. I don't remember.

11 Q. Do you have a plan in place today for
12 getting back in the work force?

13 A. No, I do not.

14 Q. Why is that?

15 A. This has only been the first summer I
16 have been on my leg. I've probably only been
17 walking three or four months minimally.

18 Q. Do you have a long-term goal with
19 getting back into the work force?

20 A. I hope to get into some sort of
21 schooling. I would like to go to a school, but I
22 can't really sit with my leg on for more than 35
23 minutes, so it's probably going to be at home at
24 some point.

25 Q. At home do you mean kind of

1 Franklin Buono

2 correspondence where you can take them on the
3 computer at home?

4 A. Yeah.

5 Q. Have you looked into classes by
6 correspondence?

7 A. No.

8 Q. Not yet?

9 A. No.

10 Q. Have you set any personal goals for
11 timeframe for yourself as to when you want to do
12 that?

13 A. No.

14 Q. Why is that?

15 A. I learned to not set goals, because you
16 know they told me that I could be good in a couple
17 of months and then it turned into years, so.

18 Q. When you do decide you want to get back
19 in the work force, have you given any thought as to
20 what you want to do?

21 A. Computers, something in computers,
22 computer science.

23 Q. Is it your plan then when you're ready
24 to take classes by correspondence in computer
25 science?

1 Franklin Buono

2 A. Yeah.

3 Q. Have you researched any programs?

4 A. No.

5 Q. Other than looking at your own
6 deposition transcript over the weekend, have you
7 seen any of the transcripts of any other
8 individuals that have been deposed in this case?

9 A. No.

10 Q. What about any documents either to or
11 from OSHA, have you seen any documents to or from
12 OSHA about the incident?

13 A. I don't remember. I think so. But it
14 was just when it first happened.

15 Q. Any memory at all about what those
16 documents may have said or looked like?

17 A. No.

18 Q. If I recall correctly, I think you're
19 currently receiving \$700 every two weeks in
20 benefits; is that correct?

21 A. Correct.

22 Q. Who is that through?

23 A. The Hartford.

24 Q. Do you know if that's workers' comp.
25 related?

1 Franklin Buono

2 A. Yes.

3 Q. Sometimes there may be kind of a final
4 resolution of a workers' comp. claim or some kind
5 of a settlement, does that make sense?

6 A. Yup.

7 Q. Do you know if there has been a final
8 resolution of your claim?

9 A. No.

10 Q. It's ongoing?

11 A. Yeah.

12 Q. Who is your attorney that handles your
13 workers' comp. work?

14 A. It's Fine, Olin & Andermin.

15 Q. Do you know the individual that you
16 were working with?

17 A. No.

18 Q. Have you worked with a particular
19 individual?

20 A. I was. But the last time I went it was
21 someone else, so.

22 Q. Male or female?

23 A. Male the second time.

24 Q. Female the first time?

25 A. Yeah.

1 Franklin Buono

2 Q. I think that will be all of the
3 questions I have.

4 MR. FROMSON: Any follow up?

5 MS. FAPPIANO: I just have a few, and
6 it's just what we went over a little bit on
7 a couple of other things.

8 FURTHER EXAMINATION BY

9 MS. FAPPIANO:

10 Q. I think you mentioned during counsel's
11 questionings that your dad is working; is that
12 right?

13 A. What?

14 Q. I may have misunderstood that. Is your
15 a father still employed?

16 A. Yes.

17 Q. Does he have a different business than
18 what he had before?

19 A. No.

20 Q. He's working for somebody else?

21 A. Yeah.

22 Q. Now, when you worked at Oprandy's, did
23 you get paid by check?

24 A. Yeah.

25 Q. How often would you get paid, weekly,

1 Franklin Buono

2 biweekly?

3 A. Biweekly, I think.

4 Q. And I think you said earlier you worked
5 nine to five Monday through Friday; is that
6 correct?

7 A. Correct.

8 Q. So, is it fair to say you were working
9 about 40 hours a week?

10 A. Yeah.

11 Q. There was a packet of stuff that was
12 put before you, I don't have the bates numbers, but
13 it's probably towards the back. There is an
14 employee check record. Do you see that?

15 A. Yeah.

16 Q. Do you see that under the -- right
17 under your name there it says 4716 and then it says
18 1/22/2016. And then under the column that says
19 regular hours, it says 39?

20 A. Yup.

21 Q. Do you see all of that?

22 A. Yup.

23 Q. To the best of your recollection, is it
24 fair to say that you were paid for 39 hours worth
25 of work on January 22, 2016?

1 Franklin Buono

2 A. I don't remember. I'm sure.

3 Q. If you were paid on January 22, 2016,
4 is it fair to say that you began work before
5 January 22?

6 A. Yeah.

7 Q. Do you recall whether your start date
8 was January 18, 2016?

9 A. I don't.

10 Q. If I understood your responses to
11 counsel earlier, you don't have any independent
12 recollection sitting here today of what your first
13 day of work involved; is that correct?

14 A. Correct.

15 Q. You don't remember filling out any
16 paper work?

17 A. No.

18 Q. You don't remember if you received
19 anything or if you did not receive anything?

20 A. Correct.

21 Q. And you don't remember filling out any
22 types of tax forms?

23 A. Correct.

24 Q. You don't remember if you received any
25 specific training that day?

1 Franklin Buono

2 A. Correct.

3 Q. You don't remember if you received any
4 type of handbook or not?

5 A. Correct.

6 Q. Did you make any search prior to today,
7 after the accident, for copies of any documents
8 that you might have received when you started your
9 employment at Oprandy's?

10 A. No.

11 Q. Do you have copies of pay stubs from
12 when you worked at Oprandy's?

13 A. I don't know.

14 Q. Do you know if you have a file or any
15 sort of paperwork that you kept somewhere of when
16 you started your employment with Oprandy's?

17 A. I don't.

18 Q. You haven't looked for any of that?

19 A. No.

20 Q. Counsel asked you a little bit about
21 the statement that you gave to OSHA?

22 A. Yeah.

23 Q. As you sit here today, do you have any
24 independent recollection of providing that
25 statement to OSHA?

1 Franklin Buono

2 A. Very little.

3 Q. As you sit here today, do you have any
4 independent recollection of the conversation
5 specifically that took place between you and
6 Mr. Scott before you went into the back room?

7 A. Repeat that from the beginning.

8 MS. FAPPIANO: Would you read it back.

9 (The record was read by the Reporter.)

10 A. I just remember him asking me to fill
11 the tank.

12 Q. And as you responded to counsel
13 earlier, you were a shop worker in training at that
14 time; is that right?

15 A. Yeah. That wasn't what they called it
16 but.

17 Q. But you were still in the process --

18 A. Yes.

19 Q. -- of training; is that fair to say?

20 A. Yeah.

21 Q. And were there times, other than this
22 day, that you might have been asked to do something
23 that you did not yet know how to do because you
24 were learning how to do those things?

25 A. Not that I can recall.

1 Franklin Buono

2 Q. You asked Chris to show you how to fill
3 the tank; is that correct?

4 A. Correct.

5 Q. And you physically did not fill the
6 tank that day; is that right?

7 A. Correct.

8 Q. Because you did not know how to;
9 correct?

10 A. Correct.

11 Q. And because you had not yet been
12 trained to do it; is that right?

13 A. Correct.

14 Q. How long had Chris been working there,
15 if you know?

16 A. I do not know.

17 Q. Did you have any reason to believe that
18 he did not know how to fill the tank?

19 A. Correct. I thought he knew.

20 Q. That's why you asked him to do it; is that
21 right?

22 A. Correct.

23 Q. You said in response to a question
24 earlier about why this may have happened, you said
25 you just knew that it was preventable. Can you

1 Franklin Buono

2 tell me what you mean by that?

3 A. Like there could have been a cage or
4 something like that to prevent the shrapnel from
5 going all over the place.

6 Q. Anything else?

7 A. Not that I can think of.

8 Q. You also talked a little bit about this
9 information in your statement, in which Chris had
10 thought that one tank was empty so then he went to
11 the other tank. Do you recall that series of --

12 A. I don't.

13 Q. -- questioning?

14 If you need to look at the statements
15 to refresh your recollection. I thought it was the
16 top of that page in the first paragraph. It says
17 something about -- that's the right one, yes. It
18 says something about Chris tried one tank and
19 thought it was empty?

20 A. I -- this is -- I really don't
21 remember. This is what --

22 Q. So, in reading that statement, does it
23 refresh your recollection in any way as to whether
24 you had any conversations with Chris as you were
25 filling the tank?

1 Franklin Buono

2 A. I really don't remember.

3 Q. So, as you sit here today you don't
4 have any independent recollection of whether there
5 even were conversations between the two of you; is
6 that right?

7 A. Not that I can remember.

8 Q. By the way, do you know who typed that
9 statement that you're looking at?

10 A. I do not -- oh, I think my girlfriend.

11 Q. Your girlfriend typed that?

12 A. Oh, wait. This is the OSHA report?

13 Q. That's the statement to OSHA.

14 A. This would have been OSHA then. Oh,
15 no -- I think my lawyer might have. The lawyer or
16 the -- because I was on the phone with OSHA. So,
17 it was either the lawyer or the OSHA, that's
18 OSHA's.

19 Q. So, just to clarify that a little bit,
20 you spoke to OSHA via phone to provide the
21 information --

22 A. Correct.

23 Q. -- is that right?

24 A. Correct.

25 Q. Was somebody with you when you were

1 Franklin Buono

2 providing that information to OSHA over the phone?

3 A. I don't remember.

4 Q. And did that take place in one phone
5 call or multiple phone calls?

6 A. One phone call, I believe.

7 Q. And after the phone call occurred, did
8 you then receive a typed statement?

9 A. Correct. I believe that's how.

10 Q. Do you remember who gave you that typed
11 statement?

12 A. I believe I got it in the mail.

13 Q. And did you sign it?

14 A. Yes.

15 Q. Is your signature on there that is
16 yours?

17 A. Yes.

18 Q. Is it also indicates underneath of it
19 that there was a witness; is that right?

20 A. Correct.

21 Q. Who was the witness?

22 A. Emily.

23 Q. Did you read that statement before you
24 signed it?

25 A. Yes. I believe so.

1 Franklin Buono

2 Q. Did Emily read that statement before
3 she signed as a witness?

4 A. I don't know. You would have to -- I'm
5 sure she did.

6 Q. Just what you observed?

7 A. Yeah. No. She did because she did all
8 of the corrections.

9 Q. Counsel asked you a little bit about
10 some information contained in a notebook. Do you
11 recall that?

12 A. Yeah.

13 Q. Are you aware that Ms. Scott kept a
14 notebook?

15 A. No.

16 Q. Have you ever spoken to her about her
17 keeping of a notebook?

18 A. No.

19 Q. Have you ever spoken to her at all
20 since the accident date?

21 A. No.

22 Q. You have a cell phone?

23 A. Yes.

24 Q. Do you have the same cell phone that
25 you had back at the time of the accident?

1 Franklin Buono

2 A. No.

3 Q. Do you have copies of any text messages
4 that you kept in the timeframe following the
5 accident date?

6 A. I doubt it. It would be on a different
7 phone.

8 Q. It was a different phone all together.
9 Do you still have that phone?

10 A. No.

11 Q. To be clear, the only conversation that
12 you remember having with Chris following the
13 accident was the one in which you wished each other
14 better; is that correct?

15 A. Correct.

16 Q. Do you know if your girlfriend had
17 conversations with Chris following the accident?

18 A. I don't. But I doubt it.

19 Q. Other than -- I'm just going to put a
20 brief statement on the record which is, I would ask
21 that if you could, please, search to see if you do
22 you have any copies of documents that you might
23 have in your possession, if that hasn't been done
24 already --

25 A. Okay.

1 Franklin Buono

2 Q. -- regarding your employment there, the
3 pay stubs we discussed. And if you do have that
4 phone with the text messages on it, those would be
5 my questions. There were also a couple of
6 different medical providers identified, which I
7 will send a more formal demand to your counsel for
8 those.

9 A. Okay.

10 Q. Thank you very much.

11 MR. FROMSON: We are done.

12 (Time noted: 12:44 p.m.)

13 * * * *

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1 Franklin Buono

2 STATE OF NEW YORK)

3 COUNTY OF)

4

5 I have read the transcript taken at the time
6 and place noted on the title page, and I
7 acknowledge it to be true and correct. Any and all
8 corrections will be put on the errata sheet
9 included at the end of the transcript.

10

11

12 FRANKLIN BUONO

13

14 Sworn or affirmed to before me this

15 _____ day of _____

16 20__.

17

18 Notary Public

19

20

21

22

23

24

25

1 Franklin Buono

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12

13 *****

14

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16	Page	Line	Description
17	17	22	Name of place where physical therapy was
18			done

19

	139	20	Any documentation in possession of the
20			plaintiff regarding his employment

21	140	3	Phone with the text messages
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22

23

24

25

1 Franklin Buono

2

3 C E R T I F I C A T I O N

4

5

6

7 I, Debra Boggs, a Stenotype Reporter
8 and Notary Public within and for the State
9 of New York, hereby certify:

10

11 That the witness whose examination is
12 hereinbefore set forth was duly sworn or
13 affirmed by a Notary Public and that the
14 transcript of said examination is a true
15 record of the testimony given by said
16 witness; and

17

18 That I am not related to any of the
19 parties to this action by blood or
20 marriage, and I am in no way interested in
21 the outcome of this matter.

22

23

24

25

Debra Boggs

A				
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